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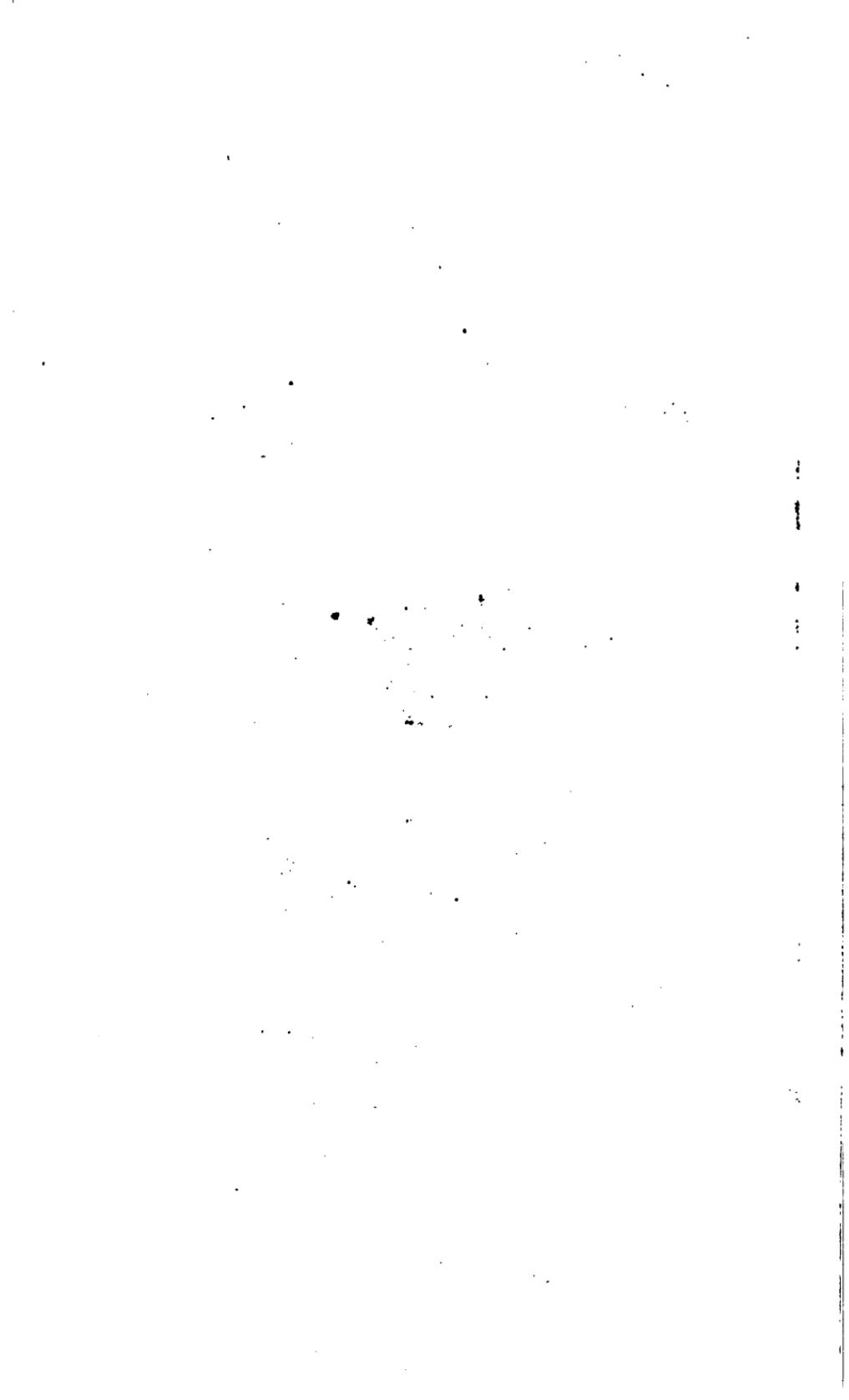
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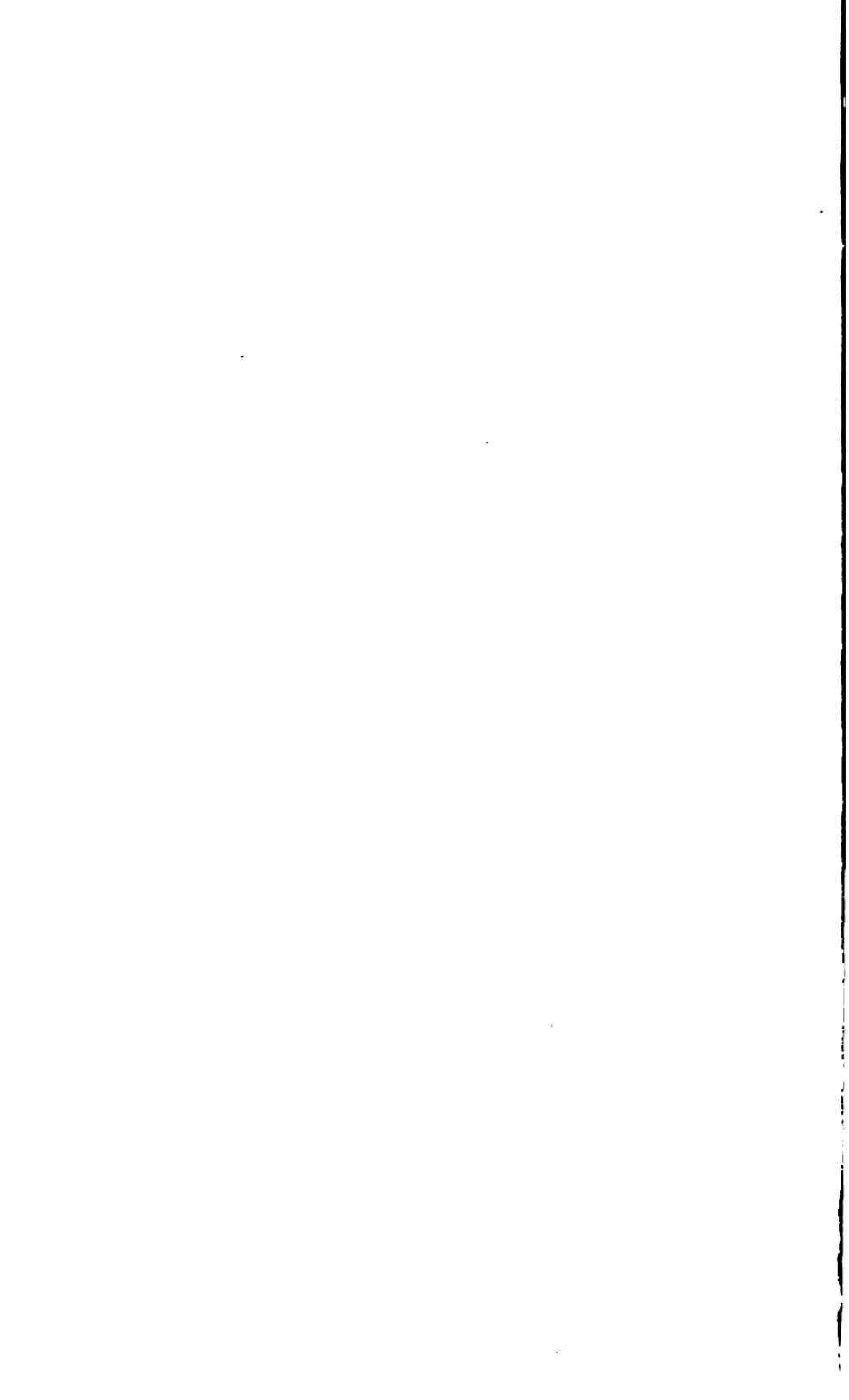


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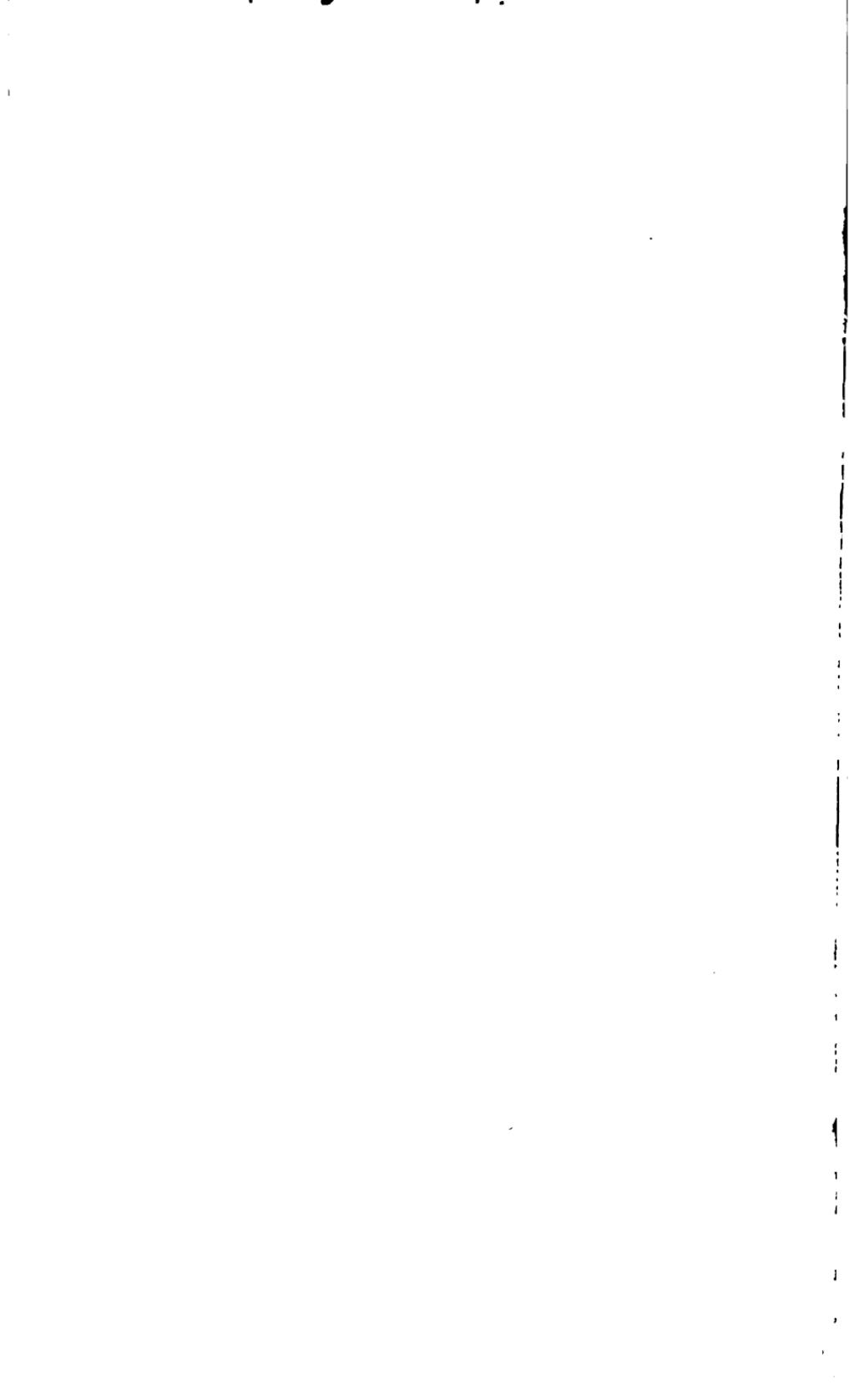
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(Loring)
C P



To George Bancroft Esq; with
the sincere regards of his friend

THE

HISTORY

OF

SCOTLAND,

FROM THE

UNION OF THE CROWNS

ON THE

ACCESSION OF JAMES VI. TO THE THRONE OF ENGLAND,

TO

THE UNION OF THE KINGDOMS

IN THE REIGN OF QUEEN ANNE.

THE SECOND EDITION, CORRECTED.

WITH A

PRELIMINARY DISSERTATION

ON THE PARTICIPATION OF

MARY, QUEEN OF SCOTS,

IN THE MURDER OF DARNLEY.

BY MALCOLM LAING, ESQ.

IN FOUR VOLUMES.

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ERRATA & CORRIGENDA in VOL. I.

Page 39. line 5. *note, for crosses read crossed*
68. — 4. *note, for whom read which*
91. — 1. *note, for they were married read the marriage was made*
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 were (the former) written and (the last) subscribed
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PREFACE
TO
THE FIRST EDITION.

THE following work was undertaken chiefly, because a 'History of Scotland, from the Union of the Crowns to the Union of the Kingdoms, seemed to be still wanting to render its annals complete. The early history of Scotland is in other hands: the most important period has been executed by Dr. Robertson, with a fidelity not inferior to the elegance and the success of his work; but the domestic transactions of Scotland, from the Accession to the Union, have hitherto remained concealed in manuscripts, or buried in the obscure volumes of ecclesiastical disputation. The most prominent events are alone recorded in English historians; but the causes, the consequences, and the whole train of subordinate incidents, are imperfectly known. It becomes not me to determine, hardly indeed to conjecture, how far I

may have succeeded in my design, to give a just and impartial continuation of the History of Scotland, down to the period when its History expires.

During the whole of the civil wars, it is impossible to separate the history of the two kingdoms. Without departing therefore from my professed design, I have entered largely into the relative affairs of England, and have omitted no opportunity to illustrate, concisely, the most disputed passages concerning the origin and continuance of the civil wars, the character and motives of Charles I. and the cause of his death. It is here, where the judgment is pre-occupied with some historical theory or political system, that I anticipate the principal objections to my work ; but if I deviate from our recent historians, I approach the nearer to those original authorities which I have been the more careful to quote, and which they, who dispute my conclusions, will do well to consult.

The manuscript materials employed in this history are chiefly derived from the library of the Faculty of Advocates in Edinburgh, to

which I enjoy a professional access. Calderwood's MS. cited wherever the printed abstract is defective, Matthew Crawford's and some other manuscript histories, were procured from the archives of the church of Scotland. The records of the court of justiciary, and of the privy council, have been frequently examined: but I am also indebted for many valuable materials, to the private repositories of gentlemen, whose friendship I am proud to acknowledge. Mr. Erskine of Mar communicated to me freely, and without solicitation, the correspondence of his ancestors, the earl of Mar and his brother lord Grange. Through the friendship of Mr. Clerk of Elden, whose Naval Tactics have contributed so largely to our naval victories, I obtained full access to the historical writings of his father, Sir John Clerk of Pennycuick, a commissioner at the Union; and from the honourable Mr. Maule I procured the transcripts of Fountainhall's Memoirs, and of other MSS. preserved by his ancestor, Mr. Henry Maule.

Instead of extracting, from these materials, a

collection of original papers, in which it would be difficult to separate historical facts from the fanaticism of the age, I have subjoined such Notes and Illustrations as were necessary to explain at length, and to confirm the most doubtful, or disputed passages in each volume. I have departed however from this plan, in the concluding Dissertation, on the supposed authenticity of Ossian's Poems. The prevailing belief of their authenticity, at home and abroad, will render it the less surprising, that, in a question respecting our literature and early history, I was solicitous to justify that incredulity which I have so freely and repeatedly expressed. As a short note was found insufficient for the purpose, I have entered, as concisely as possible, into a copious detection of those spurious poems, which are supposed by some to reflect the greatest honour, and by others the greatest disgrace, upon that part of the nation which claims and has attested the imposture as its own.

As this work forms a continuation of Dr. Robertson's History of Scotland, it is my design

to add, in a preliminary, or rather intermediate volume, an Historical Dissertation on the participation of Mary, Queen of Scots, in the murder of her husband. When revived by Goodall, the question was decided by Hume and Robertson ; but the declamatory apologies, which have since appeared, serve only to perplex the reader, and to render the controversy more obscure than ever. A clear and concise deduction of facts, in the order of time, and a critical examination of the letters, sonnets, and other evidence, are still requisite to establish the innocence, or the guilt of Mary, on a better foundation than the perversion of almost every historical fact. Upon this subject I have already discovered, and may still expect to procure some original materials, subservient to the evidence of which the public is possessed.

The reader will be disappointed who expects to be gratified, in this work, with any pointed, political allusions to the present times. The present ever appears the most important period, and the political productions of the day are overpaid with praise at the time, in proportion

as they are afterwards neglected or contemned. But the following History was chiefly written in a distant solitude, far removed from political discussion. It is difficult to speak of the present times, without degenerating either into adulation or censure; and it would be absurd indeed to render the history of the last century a comment on the philosophy or the folly of the present.

EDINBURGH, *June 2, 1800.*

P. S. The Dissertation formerly proposed, on the participation of Mary, Queen of Scots, in the murder of her husband, is now submitted to the public, as a preliminary work to my History of Scotland, and as a necessary supplement to Dr. Robertson's History, of which mine can only be considered as an imperfect continuation. The subject has unavoidably extended to two volumes, as I did not choose, by retrenching the Appendix, to deprive my argument of illustration or proof. But I trust that

the reader will be better pleased to possess the evidence of the Queen's guilt entire, than to be referred to authorities which are not always accessible, and which few, perhaps, would be disposed to consult.

EDINBURGH, *January 18, 1804.*



AN
HISTORICAL DISSERTATION
ON THE PARTICIPATION OF
MARY QUEEN OF SCOTS
IN THE
MURDER OF DARNLEY.

THE innocence of Mary Queen of Scots, or Introduction. her secret guilt in the murder of Darnley, her second husband, has been long controverted, and at the distance even of more than two centuries, remains undetermined. The opposite works of Buchanan and Lesly were differently received, according to the prejudices and political disputes of the times. Lesly's Defence of the Honour of Mary was succeeded on the continent by a crowd of apologists, who, instead of investigating his facts and assertions, wrote as if released by their residence abroad, from the scrupulous observance of historical truth. Buchanan's Detection of her Guilt was adopted by Thuanus; but the authority of Lesly and his numerous followers, was preferred by Camden to the authentic documents in the hands of his friends. The question after-

DISSERTATION ON

wards continued dormant, till revived by the Jacobites, whose literary talents and party zeal, were employed to vindicate, in every particular, an ill-fated house which they were unable to restore. The original documents were then examined, and published by Anderson, Keith, and Goodall, Haynes and Murdin ; writers of the most opposite sects and discordant tenets, whose industry, however, furnished a large mass of materials for Robertson and Hume. Doubtless, it was the interest of Robertson to render Mary the heroine of his story, and her innocence would have coincided with the political opinions or prejudices of Hume ; but the conclusions which those illustrious historians have formed of her guilt, can only be ascribed to their deference and unbiassed regard for truth. Their impartial reasonings seemed for a time to decide the controversy ; till the arguments of Keith and Goodall were resumed by a series of new apologists. Gilbert Stuart's history, written from motives of personal hostility to Robertson, is little else than an elaborate apology for every successive circumstance in the conduct of Mary ; but the others proceed analytically, to separate, in order to pervert or palliate, historical facts, till the judgment, oppressed by a minute detail of unconnected particulars, is perplexed and confounded, rather than convinced. We search in vain for that moral evidence arising from her conduct, which is often

more satisfactory than direct proofs; and the question still remains undecided; or is determined by a gross, and scurrilous perversion of every historical fact.

On a subject, upon which few discoveries are now to be made, a clear and comprehensive statement of facts, in the order of time, is the best criterion of historical truth; and when combined with a full and impartial examination of the direct evidence, may afford a convincing proof of her innocence, or detection of her guilt. The controversy then may be reduced to seven distinct heads; under which every important circumstance may be easily comprehended. Adhering, therefore, to a method which, on former occasions, I have found successful, I shall proceed, in the following chapters, to investigate historically; I. the facts that preceded, II. those which succeeded, the murder of Darnley; III. the conferences at York and Westminster; and to examine critically, IV. the letters from Mary to Bothwell; V. her sonnets; VI. the contracts of marriage between them; VII. the confessions and judicial depositions of those who suffered for her husband's death.

DISSERTATION ON

CHAPTER I.

The Facts preceding the Murder.

CHAP.
I.

Mary's
early edu-
cation,

1. IT is necessary to premise, that in addition to personal charms and accomplishments, every moral and every mental qualification has been ascribed to Mary; in order that her innocence may be the better deduced, from the ideal perfection with which her character is so gratuitously invested. But the court of Henry II. was the most dissolute, as well as the most refined in Europe. Gallantry and licentious intrigues were the prevailing vices; and in France, as well as in Scotland, assassination was a frequent and familiar crime. The early education of Mary under her uncles and Catherine of Medicis, at a court which produced such flagitious characters as Charles IX. Henry III. and Margaret of Anjoü, among persons who afterwards projected the massacre of Paris, can give us no assurance of a mind utterly incapable of those crimes which have been laid to her charge. At the same time, it would be no less unjust, to indulge a previous suspicion of her guilt, than improper to deduce a presumption of her innocence, from her education in a profligate and luxurious court.

THE MURDER OF DARNLEY.

5

2. Her marriage with Darnley is the first certain indication of the vigour of her character, and of the spirit with which she prosecuted her favourite designs. Hitherto she had acted in France, under the controul of her uncles, and in Scotland by the advice of Murray, her natural brother, whose prudent management, and whose established credit among the reformers, had made her government respected, and her person beloved. When enamoured suddenly of the tall and graceful, yet robust stature, the youthful bloom, and the elegant, but superficial accomplishments of Darnley, she was blind to the vices and defects of his character, and persisted in a marriage, of which her protestant nobility generally disapproved. As his religion was more than suspected, they were justly alarmed for the security of the reformed faith, if their recent alliance with England should ever be dissolved¹. Murray in particular, through the interest of whom, Lennox had been lately restored in parliament, took alarm at the undisguised resentment of Darnley. He refused to sign an approbation of the marriage², and being apprehensive of some attempt on his life, absented himself, under the pretext of sickness, from a convention of estates which was held at Perth. When informed of a design to intercept Darnley and herself, in their return from Perth, the queen passed precipi-

1565.
and mar-
riage with
Darnley.

¹ Keith's History, pp. 268-9. Append. 163-5-7.

² Id. 274. Append. 160. Knox, 367. edit. 1782.

DISSERTATION ON

CHAP. tately to Calender, across the Forth; while Murray remained in Lochleven castle, Argyle at Castle Campbell, and Hamilton at Kinneil. The *Raid of Beith*, as their conspiracy was termed, and the opposite project to assassinate Murray, must remain uncertain; and although the reformers had actually assembled at Edinburgh, and Randolph had been sounded on the delivery of Lennox and his son to the English, the most probable supposition is, that each was a false, or premature alarm³. On the queen's return, her vassals

July 15.

1565.
July 2.

³ Keith, 287—9, 90. Randolph, the English resident, writes, that Argyle and Hamilton concurred with Murray in opinion, that the nobility would be forced to assemble, to provide for the state; that on hearing of Lady Lennox's imprisonment in the tower, some wished the father and son to keep her company; and that the question was asked him, whether, if they (Lennox and Darnley) were delivered up at Berwick, the English would receive them. *Ibid.* But there is no intimation of any preparation or design to seize them, which Randolph treats as groundless, and in his confidential dispatches to Cecil, he had no motive to conceal the fact. The queen's silence in her proclamations, when a supposititious plot was certainly desirable, assures us, that there was no evidence then of the *Raid of Beith*, and that it was considered justly as a false alarm. Melvil, writing from memory, in his old age, adopted the common report of the queen's party, with this additional mistake, that the discontented lords, failing of their enterprise, took to the fields; (*Melvil's Memoirs*, p. 56,) whereas they did not take the field till six weeks afterwards, when compelled by the queen. The evidence of Argyle and Rothes, I shall examine afterwards; but the plot, as told, was evidently a false alarm. When informed, on re-

THE MURDER OF DARNLEY.

7

were summoned to attend in arms, and the conspirators were cited to appear at court, to answer, not for their treasonable attempt to surprise and seize the person of their sovereign, but for their calumnious reports of Darnley's design against Murray's life. The *Raid of Beith*, the only decent pretext for assembling an army, is not once mentioned in the proclamations against them; a sufficient proof surely that no certain information had been procured, nor perhaps any serious belief entertained, of that treasonable design. They were charged merely with uttering false reports to excite discontent: Murray's declaration of the conspiracy for his slaughter was pronounced "not so sufficient a purgation as the matter required⁴;" and on the queen's marriage he was proclaimed an outlaw, as he refused to entrust his person, on her safe conduct, to a court where the influence of Darnley and his associates prevailed. A few days after her marriage, she appointed a numerous army to assemble. The discontented lords, who, after a fruitless consultation at Stirling, had remained a month at their own houses, retired to the west, and were compelled to take arms. They

July 29

Aug. 25.

turning to Perth on Friday, of a design to intercept her at the path of Dron in the neighbourhood, or at the kirk of Beith, nearer Queensferry, the queen passed hastily, early on Saturday morning, through those places, on the road to Callendar, to the baptism of Lord Livingstone's child, which she had promised to attend that night. Keith, 291. Knox, 377.

⁴ Keith, 304-5. Append. 106.

DISSERTATION ON

CHAP. I. were pursued by the queen, who took the field in person, and rejecting every intercession, or offer of submission, drove them before her, from Glasgow to Edinburgh, thence to Dumfries; and with an army of eighteen thousand men, secured their castles, and allowed them no rest nor respite till they were expelled from Scotland. In these measures we discover the decision, spirit, and vigorous resolution of Mary's character, whose suspicions anticipated, and whose exertions very probably prevented, a dangerous insurrection that might have arisen on her marriage.

^{Murder of}
^{Rizzio.}
1566. 3. Before a few months had elapsed, her ardent affection for Darnley began to subside⁵. His disposition was vain, capricious, ungrateful, vindictive, and insolent: he was addicted to intemperate, and low pleasures, in the pursuit of which he deserted the queen; their domestic dissents were frequently observed; and when she discovered his numerous defects and vices, she began to repent of her precipitate choice. She was still exasperated against Murray and his associates, though inclined, from political motives, to assent to their return; when instructions received from her uncle, the Cardinal of Lorraine, suddenly induced her to become a party to the league of Bayonne. It were unjust to suppose that upon acceding to the *Holy League* for the preservation of the catholic faith, she was ap-

⁵ Keith, 329. Append. 165-6. Knox, 392. Robertson's Hist. II. 432. edit. 1787.

THE MURDER OF DARNLEY.

prised of the full extent of the design to exterminate ^{1566.} CHAP. the protestants, by a general massacre, throughout christendom; but her uncle's instructions rendered her inexorable towards the banished lords. Their attainder, in a parliament summoned for the purpose, was prevented only by the murder of Rizio. Not satisfied with the titl^e of king, Darnley had demanded the crown matrimonial; and for the destruction of Rizio, conspired with Morton, Maitland, and other statesmen, whom that upstart foreigner had supplanted in the favour of the queen. The preservation of the banished lords, of their own power, and of the protestant religion, was their professed, and undoubtedly their real motive to seize Rizio, and to execute him in public, as they intended at first⁶; but the assassination of a favourite servant, in the queen's presence, while pregnant, must be ascribed to the jealous and vindictive caprice of her husband⁷. When

⁶ Buchanan, l. xviii. p. 346. Knox, or rather David Buchanan, his continuator, and the Earl of Bedford, (Robertson's, ii. 430), mention the design to execute Rizio publicly, for which purpose cords were provided, but that he was dispatched by the haste and rage of the conspirators, to Morton's regret. Knox, 392. The queen, in her letter to Archbishop Beton, mentions the cords, as intended to hang Balfour. Keith, 332. Ruthven imagined that Rizio had been taken down to the king's chamber; whereat he was slain at the outer door of the queen's apartment. Id. Append. 123.

⁷ "To taunt him in her presence, as she had not entered her husband as she ought." Id. 122.

CHAP. the crime was perpetrated, she desisted from vain lamentations and tears, and declared that henceforth she would study only revenge. She directed Melvil to rouze the citizens; and the banished lords having availed themselves of the plot to return next evening, she employed the most skilful management to detach her brother and husband from the conspirators; secured Murray by the promise of an ample indemnity to his associates, and persuaded Darnley to procure the removal of the guards, and to accompany her at midnight, in her flight to Dunbar⁸. Bothwell and Huntley were prepared for her escape, and in a few days, on summoning her nobility and subjects

⁸ Ibid. Melvil, 67. Knox, 393. It is evident that Murray was not accessory to the murder, but availed himself of an intimation of the plot, to return, on the king's invitation, from exile. He received, but it does not appear that he signed the articles framed between Darnley and Ruthven; yet he is represented in this controversy, as the author of the design to murder Rizio in the queen's presence, of which he was probably ignorant. I inquire not into Rizio's familiarity with Mary, of which there is no proof now, but her husband's suspicions. But that Rizio was old, deformed and decrepid, is an interpolation of Dr. Mackenzie's, in his edition of Ruthven's Narrative. Mackenzie's Lives of Scottish Writers, iii. 65. Blackwood says, that he was *assez agé, laid, morne et mal plaisant* (Jebb, ii. 202), which is transcribed by Guyon, in the passage quoted by Lord Elibank: "Il étoit *assez agé et laid, d'une humeur morgne et mauvais plaisant.*" Lord Elibank's letter to Lord Hailes, 50. This, if true, corresponds sufficiently with Buchanan's account, that he was ugly, but not past his vigour.

to her aid, she returned with eight thousand men to Edinburgh, and again expelled her opponents from Scotland. On this, as on the former occasion, the same vigour, spirit and resolution are discernible in her conduct; and she suppressed a conspiracy of the most subtle statesmen, by her consummate prudence, art, and address.

CHAP.
I.

1566.

4. From that moment her husband was uniformly neglected and contemned. It was impossible ever to forget, or perhaps to forgive, a barbarous outrage committed in her presence, and from her advanced pregnancy so dangerous to her life; and Melvil, an acute and penetrating observer, "could perceive nothing from that day, " forth, but great grudges that she entertained in "her heart⁹." Her husband's denial of all share in the conspiracy, incurred the public contempt. She suspected all those who approached his person: she even upbraided Melvil, who attempted to reclaim him; and as no confidence could be placed in his character, the queen's protection and favour were no sooner withdrawn from him, than he was universally shunned. After her delivery, ^{June 12.} she removed secretly from the castle, and was followed by Darnley, to Alloa, Stirling, Meggetland, and back again to Edinburgh, as if she were desirous to escape from her husband's presence. They seldom ate, conversed, or cohabited together; and as her aversion became daily more apparent and

The queen's
aversion to
Darnley.

⁹ Melvil's Memoirs, 66, edit. 1683.

CHAP. incurable, he was attended by none but a few of his own servants, and exposed to studied neglect and undissembled scorn¹⁰. In this situation he embraced a sudden resolution to embark for the continent, and the artful representations both from Le Croc, and the privy council, to the French court, of the queen's endeavours to prevent his flight, are insufficient to disguise the state of sullen desperation to which he was thus reduced¹¹.

and affection for Bothwell. 5. In proportion as her husband sunk, the earl of Bothwell rose in her confidence and esteem.

¹⁰ Melvil's Memoirs. Robertson, ii. 433. Keith, Pref. vii. Thin, the continuator of Holinshed, observes, that the queen, accompanied by her husband and the earls of Huntley, Murray, Bothwell, and others, went to hunt in Meggetland, from which Keith and Goodall infer, that her flight from the king was false. But it proves the extreme accuracy of Cecil's, or Murray's Diary, inserted in our Appendix, "that the queene past to Meggetland to the huntis;" *till which time*, "the king was put to abyde in Dalkeith, and after the returninge from the huntis, was sent," as Thin informs us, "to Striviling. About this tyme my lord of Murray agreeit the king and her, and they past to bed togedder." A temporary reconciliation was effected by Murray, but it is ridiculous to consider Thin as a well informed historian. Holinshed, ii. 384. Keith, 345. Goodall, i. 295.

¹¹ Keith, 346-5. From Lethingdon's letter to Archbishop Beton, (see Appendix, No. I.) it appears, that the members of council, instead of writing, were required by the queen to subscribe those letters to the French court, which are prettily quoted as proofs of her affection, and her husband's caprice.

THE MURDER OF DARNLEY.

15

Though a protestant himself, he had adhered to CHAR.
 her mother, the queen regent, against the congrega-
 tion, and continued in the service of Mary
 abroad, before her return to Scotland, from whence
 he was soon expelled for a supposed plot against
 Murray's life. On the disgrace and banishment
 of that nobleman, he was recalled and received
 into immediate favour ; and on the assassination of
 Rizio, he acquired, by his successful services, the
 most unbounded influence over the mind of the
 queen. In addition to the wardenship of the
 three marches, till then conferred upon separate
 persons, he was rewarded with the office of lord
 high admiral, the abbeys of Melrose and Had-
 dington, and the castle and lordship of Dunbar ;
 together with an extensive grant of the crown de-
 mesnes¹². Huntley, whose sister he had lately mar-
 ried, was appointed chancellor by his interest, and
 all favours and preferment passed through his
 hands. His opinion was consulted upon every oc-
 casion, and his interposition was employed in
 every transaction at court : his extensive posses-
 sions had rendered him powerful ; his birth and
 personal advantages vain and ambitious ; his em-
 barrassments desperate ; and when the queen's at-
 tachment to Darnley was converted into cold mis-
 trust, or a rooted aversion, his faithful services,
 insinuating address, and unremitting assiduity, are
 supposed to have made a deep impression on her.

¹² Knox, 386-96. Anderson, i. 90. Melvil, 67.

CHAP. susceptible heart. According to the representations
of her enemies, she acknowledged to Murray,
when confined in Lochleven castle, that she was
first betrayed, on her return from Alloa, into
Bothwell's arms¹³; but the alarm which she felt,
and the anxiety which she expressed for his safety,
when wounded in Liddesdale, are convincing
Oct. 7. proofs of the most tender affection. The day be-
fore her arrival at Jedburgh, to hold a court of
justice, Bothwell proceeded to Liddesdale to ap-
prehend some thieves; but was attacked and
wounded by one whom he had shot unawares,
and attempted to seize¹⁴. There was no insurrec-

¹³ Buchanan's Detection, 2. compared with Keith, 445.

¹⁴ Buchanan says, by a base thief, whom he had mortally wounded with a bullet, after he was taken; (Hist. 349. Detect. 3.) Birrel, that he was "deidly woundit in the hand by John Elliot, or John of the Park, whose head was sent in to Edinburgh thereafter;" (Diary, 6.) the MS. which Crawfurd employed, that "being sent to Liddesdale, to compell certayne unbrydlet, insolent theevies to shaw thair obedience, they invaded him fearcelie, and hurt him in divers partes of his bodye and head, &c. and that in particular by the handis of John Ellot of the Park;" (infra note 15) and Robert Melvil mentions in a letter, that "Bothwell having occasion to ride to Liddesdale, to bring in some of the Ellots, was hurt by one of them," and adds, that "the nobility were in gude accord among themselvis, and the country quiet." Keith, 351. From all this it appears, that there was no insurrection, and that Bothwell received some severe wounds from the despair of a thief, (noted in Pinkerton's Ancient Scottish Poems, ii. 332,) whom he had previously shot. Goodall very honestly adds some facts of his own,

tion to demand her presence ; no visible circumstance to require, or even to justify, a visit from the queen. " But the queen understanding the " certain report of the accident," according to a contemporary altogether partial to her fame, " was " so heichlie greevit in haire, that schoe took na " repose in bodye till schoe sawe him¹⁵." No

CHAR.
I.
1566.

which Tytler has improved ; that on the news of this insurrection, and of Bothwell being *slain*, the queen (and council, G.) with an *armed force*, made a *sudden march* to the hermitage ; but, finding the rioters had fled (or taken refuge in England, G.) she the very same day returned to Jedburgh. Goodall, i. 304. Tytler, ii. 89. Robertson justly observes, that when the queen found Bothwell in no danger, she instantly returned ; after which we hear no more of the insurrection, and have no proof that the rioters took refuge in England. i. 389, note.

¹⁵ MS. entitled the *Historie and Life of King James the Sixth*, from which David Crawfurd of Drumsoy, compiled his Memoirs. It is necessary to observe, that Crawfurd's Memoirs are a downright forgery, which has introduced much error into the present controversy. Having found a MS. history of the times, he expunged every passage unfavourable to Mary, inserted every fact or assertion which he found in Camden, Spottiswood, or Melvil, whom he quotes on the margin as collateral authorities ; and after compiling memoirs of his own, protests, that without wresting the words, he has adhered to the sense and meaning of the original. Crawfurd's Memoirs, pref. Keith, who possessed a copy of the MS. gave the first intimation of the forgery (p. 939), which the very first paragraph is sufficient to detect. Id. 951, note. From Goodall's advertisement to the second edition, it appears, that the MS. was transferred to Mr. Hamilton of Wishay. On making proper enquiry, I had the good fortune

DISSERTATION ON

CHAP. sooner was she informed of his situation, than she rode from Jedburgh, with a few attendants, to Hermitage Castle, whither Bothwell had been conveyed; a journey of twenty Scotch miles, in the month of October, through a country infested with banditti, and at that season almost impassable¹⁶. On discovering that his wounds

to find it among the papers of his descendant, the present Lord Belhaven, and a copy is now deposited in the Advocate's library. From the same advertisement it appears, that Goodall collated Crawfurd's Memoirs, not only with Keith's copy, but with another copy of the same MS. in the Advocate's library, entitled, *Memoirs of the Four Regents*, which has since disappeared; nor had Goodall the honesty to explain the fog^{gery} which he must have perceived, or to state, in a single instance, the discrepancy between the MS. and the printed memoirs. Crawfurd was historiographer for Scotland in Queen Anne's reign; and Whitaker, with his usual dogmatism, ridiculously determines, that the memoirs were written by Gordon of Lochinvar, one of Mary's commissioners, from his minute account of the conference at York, which Crawfurd transcribed almost *verbatim* from Melvil's Memoirs, with the addition of some papers from the Cotton Library. Whitaker's Vindication of Mary, iii. 451. Crawfurd procured large transcripts of the Cotton papers, published afterwards by Anderson and Goodall, which he lodged in three volumes in the Advocate's library.

¹⁶ Cecil's, or Murray's Diary, to which Buchanan adheres, affirms, that Bothwell was hurt in Leddisdale, and the queen rode to Borthwick, October 7th; and on the 8th, when apprised of the accident, she posted from thence, by Melrose, to Jedburgh; and then, though assured of his life, to the Hermitage, from which she returned to Jedburgh that night. Crawfurd's MS. observes, that "being at Jedburgh, she un-

Were not dangerous, she recollects the hazard to CHAP.
 which she was herself exposed, from the licentious I.
 borderers, and she returned to Jedburgh that same
 night. The difficulties and haste of the journey
 are still preserved in the tradition of the country;
 that her white palfrey sunk into a morass, which
 retains the name of the queen's moss, and that she
 was accompanied only by ten attendants, who ex-
 tricated and carried her back to Hawick. But
 the consequence of this expedition was a burning
 fever, occasioned by a rapid journey of forty miles,
 the night air, and above all " by the great distress
 " of her mind for the earl of Bothwell;" or, ac-
 cording to Lethington, who conceals the journey,
 her sickness was " causit of thought or displea-
 " sure, and I trow, by that I could wring furder
 " of her awin declaration to me, the rote of it is
 " the king?." Her life was despaired of for many
 derstood the certain report of the accident, &c." but I sus-
 pect much that Buchanan is correct. Birrel's Diary men-
 tions, that on the 8th of October the queen went out of Edin-
 burgh to Jedburgh, to hold a Justicé-eyre, and adds, " I
 Earl of Bothwell, was deidly hurt in the hand by John
 Elliot of Park." It is certain that she posted to the Her-
 mitage, on the first notice of Bothwell's wound; but if she
 went to Borthwick on the evening of the 7th, Birrel would
 mark her departure, and Bothwell's accident, in his Diary,
 next day, when he heard of both. If so, she must have per-
 formed a journey, from Borthwick to the Hermitage, and
 back again to Jedburgh, of more than sixty miles.

1566.

¹⁷ Crawfurd's MS. Keith, Pref. 7. Append. 189-5. See
 Appendix at the end of the volume, No. I.

CHAP. days. On beginning to recover, she was visited
 I.
1.
 1566. by her husband, whom she received so coldly, that
 Oct. 28. he returned to Stirling the very next day¹⁸. In the
 mean while, Bothwell was conveyed to Jedburgh; and on the convalescence of both, she resumed
 Nov. 1. her progress by Kelso and Berwick, along the eastern coast, till she arrived at Craigmillar.

Conference at Craigmillar. 6. During her residence there, she sunk into a profound melancholy; heaving deep sighs, and repeating frequently this emphatical expression, *I could wish to be dead*. Her husband came and remained a week; but Le Croc, the French resident, observes, that the injury she has received she will

¹⁸ His late appearance at Jedburgh is ascribed to inattention, but Crawfurd's MS. agrees with Buchanan, that when he understood at Glasgow "of this suddaine visitatioun, he addrest himself with expeditioun, first to Edinburgh, and next to Jedburgh, notwithstanding quhairof he was not made welcome as appertenit;" which the author ascribes to the murder of Rizio. Le Croc writes on the 24th from Jedburgh: "Si est ce qu'il a été adverty par quelqu un, et a eu du temps assez pour venir s'il eust voullu, c'est une faulte que je ne puis excuser." Keith, Append. 133. But Birrell, who might have heard early of Bothwell's wound, from the information sent to the queen at Borthwick, informs us, that notice of her sickness came not to Edinburgh till October 25, when public prayers were ordered for her life. It is not likely that Darnley, who had no friend at court, received earlier notice at Glasgow; and his expedition must be admitted, in reaching Jedburgh on the 28th, the day after Hay, the messenger's departure for France. Keith, Pref. 7. Append. 136, where it appears that Bothwell had already been conveyed to Jedburgh.

never forget. "For scho hes done him," says Le² CHAP.
 thington, "sa great honour without the advyce
 " of her frends, and contrary to the advyse of
 " her subjects, and he on the tother part hes re-
 " compensis her with sik ingratitudo, and misuses
 " himself sa far towards her, that it is ane heart
 " break for her to think that he sould be her hus-
 " band, and how to be free of him scho sees na
 " outgait¹⁹." There were no hopes now of an ac-
 cmodation between them; among other rea-
 sons, says Le Croc, "because he will neither hum-
 " ble himself as he ought, nor can the queen per-
 " ceive any nobleman speaking to him, but imme-
 " diately she suspects some contrivance between
 " them²⁰." The expedient of a divorce was sug-
 gested by some of the nobility present, who per-
 ceived her settled grief and inveterate aversion;
 but the conference on this subject can only be ex-
 plained in her own words. During the subsequent
 conferences at Westminster, she sent a protestation
 touching the king's murder, to be signed and re-
 tnrned by Argyle and Huntley; according to
 which, Lethington and Murray proposed at Craig-
 millar, that they should procure a pardon for
 Morton and his associates, on condition that
 Huntley should be restored to his forfeited estate
 and honours; and these objects they professed to
 accomplish, by devising some expedient for the
 queen's divorce. When they went with Both-

I.
 1566.

¹⁹ See Appendix, No. 1. ²⁰ Keith, Pref. 7. Melvil, 75.

CHAP. well into the queen's presence, and proposed the
 1.
 divorce, she required, that it should be lawfully
 1566. made, without prejudice to her son. "Madam,"
 said Lethington, "fancie ye not that wi are heir
 " of the principal of your graces nobilitie and
 " counsal, that sall fynd the moyin that your
 " majestie sall be *quyt of him* without prejudice
 " of your sone: and albeite that my lord of
 " Murraye heir present, be lytill less scrupulus
 " for ane protestant than your grace is for ane
 " papist, I am assurit he will looke throw his
 " fingeris thairto, and will behald our doeings,
 " saying nathing to the same." "I will that ye
 " do nathing," said Mary, "quhairto any spot
 " may be layit to my *honour or conscience*, and
 " thairfor I pray you rather let the inatter be in
 " the estait as it is, abyding that God of his gud-
 " ness put remeid thairto, that ye beleifing to do
 " me service, may possibill turn to my hurt and
 " displeasour." "Madam," said Lethington, "let
 " us guyde the matter amongis us, and your grace
 " sall see nathing but gude, and approvit be par-
 " liament²¹." From these premises, Argyle and
 Huntley are instructed to conclude, and to main-
 tain by single-combat, that Murray and Lething-
 ton were the authors of the murder of which they

²¹ Anderson, iv. Part ii. p. 189. Goodall, ii. 318. From these words of Lethington's, it is evident, that the queen, who perceived his meaning by her former answer, acquiesced in the design.

had unjustly accused the queen. If Murray had even proposed a divorce with the queen's consent, the conclusion, that he murdered her husband without her knowledge, may be justly derided as unconnected with the premises; and as worthy only of the proof offered, if a judicial combat can deserve that name²². But in Paris's first declaration, which it is necessary to anticipate, Bothwell informs him, that he was sure of Lethington, the enterpriser of the whole, and of Argyle, and Huntley his brother, whose hand writs he had for the deed; and that they were willing to have done it the last time that they were at Craig-millar. If Lethington, therefore, alludes, as his discourse undoubtedly does, to the murder, whatever conclusion may be deduced from Murray's silence, the queen's answer but too evidently implies a foreknowledge, and her acquiescence a tacit approbation of the design, which the least prohibition, or intimation of her abhorrence might have sufficed to prevent.

7. On her return to Stirling, she continued sad and pensive, frequently crying, both before and after the baptism of her son. The preparations for the ceremony, and the reception of the foreign ambassadors, were consigned to Bothwell²³; but the presence of her husband increased her morti-

²² Hume, v. note M. Robertson, ii. 322. A very different, and a far more natural account of the conference, is given by Buchanan, in his Detection and History.

²³ Keith, Pref. 7. Robertson, ii. 435.—Melvil, 77.

CHAP. fication. No provision was made for his appearance either at the baptism, or the subsequent festivals; and no reason can be assigned for his absence, but a prohibition issuing from the queen. When expected to withdraw from court, two days before the solemnity from which he was excluded, he remained confined to his chamber from a motive of sullen caprice; deprived of every appearance of power or respect; shunned by the nobility, that they might avoid suspicion; and, on account of the queen's displeasure towards him, not visited even by the foreign ambassadors under the same roof²⁴. At their departure, however, the

²⁴ Camden's assertion, that Bedford was instructed by Elizabeth not to give Darnley the title of king, was certainly not the cause of his absence. The injunction is not to be found in Bedford's instructions, and was unknown at the time to Le Croc, who would not have failed to assign that cause for his absence, rather than the queen's displeasure. The only question is, whether he was excluded by her prohibition, or his own caprice. But Le Croc writes from Edinburgh, so early as December 2d. "I think he intends to go away to-morrow; but in any event, I am much assured, as I always have been, that he will not be present at the baptism." His uniform assurance, that whether Darnley went or not, he would not be present at the baptism, must have been derived, not from Darnley's caprice, which might induce him to remain, but from the queen's resolution, that he should not appear. As his departure was wished for, that he might not appear; so he remained, in order to expose the queen; and Le Croc refused to see him; evidently on that account. Keith, Pref. 7. Robertson, i. 399, note. Knox, 346. But Crawfurd's MS. positively affirms, that "Nather did king Henrie cum thair, albièt he was in Striviling, all that quhyll, nather was he permitted, or requyrit to cum oppinly."

English lamented that Darnley was so much slighted; and the Earl of Bedford exhorted Melvil to entreat the queen, that she would entertain her husband as she had done at first, for her own honour and the advancement of her affairs. Bedford's intercession was also employed for the banished lords, at her own request; and while still inexorable towards her husband, she consented to their pardon on condition of their banishment for two years; but this ostensible condition was mitigated by Bothwell, through whose influence their recall was obtained²⁵. The archbishop of St. Andrew's consistorial jurisdiction, which had been suppressed at the reformation, was first restored on the 23d of December, by the queen's signature²⁶. A *remission* was then granted to Morton and his associates, upon a promise transmitted by Archibald Douglas during the baptism, that they would concur in a bond to support the queen's authority and abandon the king; and in Paris's first declaration, the reasons for which the pardon was procured, are explained by Bothwell, that Morton, Ruthven, and Lindsay would never fail him, as he spake for their grace²⁷. The queen went that same day (Dec. 24) to Drummond castle, to spend the Christmas there and at Tul-

²⁵ Melvil, 76. Robertson, 531. Morton's Confession, Appendix. ²⁶ See Appendix, No. II.

²⁷ Privy Seal Record. Paris and Morton's Confessions, Appendix.

CHAP. libardine ; while Darnley returned to his father's
 at Glasgow²⁸, where he was seized immediately
 1566. with acute pains, and from the livid spots or pustules with which his body was covered, his disorder has been imputed variously to the small-pox or to poison²⁹. On the last day of December, she returned and remained a fortnight at Stirling,

²⁸ A letter from Lennox to his son, proposing to wait on his majesty at Peebles, as soon as he hears of his journey thither, and dated at the conclusion, "from Glasgow, this 26th December, (1566,)" has been quoted as a proof that Darnley was at Stirling then. But the letter was evidently written in December, 1565, when we know that Darnley went to Peebles, and the year (1566), which Keith has annexed to the month, within a parenthesis, was supplied from conjecture, by Thomas Innes, at the top of the page, instead of the conclusion of the letter. Keith, Pref. 7. MSS. British Museum, Ayscough's Catalogue, 3199. fol. 76. See Tytler, ii. 71, who forgot that a date within a parenthesis is always conjectural. Knox's, or his continuator's intimation, that Darnley went without good night, to his father's at Glasgow, has been explained away, that he went without bidding, instead of receiving good night. Tytler, ii. 67.

²⁹ Melvil, 77. Knox, 346. Robertson, i. 405. Birrell says, that "he was sick of the small-pox ; but some said he had gotten poison ;" Crawford's MS. "that his haill bodye brak out in evill favourit pustullis, be the force of young age that potentlye expellit the poyson quhilk was given him to haist the end of his dayes." The small-pox was sufficient then, in the king's situation, to excite a surmise of poison ; but Keith's assertion (from Freebairn's translation of Bois Guil. libert, 110), that it was the great pox, is not to be found in Lesly, and is one of those petty lies that disgrace this controversy. Keith, 364. note.

THE MURDER OF DARNLEY.

where Lethington was married, and without visiting her husband, to whose danger she seemed indifferent, carried her infant son (Jan. 14) to Edinburgh.

CHAR.
1.
1567.

8. On the 20th of January she wrote to Beton, ^{Queen's} archbishop of Glasgow, her ambassador at Paris, ^{journey to} Glasgow, complaining of two of his servants, as the authors of dangerous, or rash reports. It appears that Walker, one of his servants, had informed her at Stirling, of a rumour that the king, assisted by some of the nobility, intended to seize and crown the young prince, and to assume the government in his son's name. Hiegate, whom Walker named as his author, denied the report, but acknowledged that he had heard and communicated another to Lennox, of an opposite design to imprison the king. The letter explains the mutual suspicions which the Queen and Darnley had long entertained; and accounts, perhaps, for his departure from Stirling, and the sudden removal of her son to Edinburgh. But it contains no indication of returning affection; no intimation of her intended journey to visit her husband; no allusion whatever to his sickness, or absence from court; on the contrary, it concludes with bitter reflections on his past ingratitude; his zealous and *busy inquisitions* into her actions; and his inclination, to disturb her government, if he were able, in conjunction with his father and their friends, whose attempts she at the

CHAP. same time treats with contempt and scorn³⁰. Next
 1.
 1567.
 Jan. 21. day she departed for Glasgow, accompanied, as far as Callender, by Huntley and Bothwell, whose confidential servant, Nicholas Hubert, nicknamed French Paris, she received as her chamberlain. On Thursday the 23d, she arrived at Glasgow, where Darnley had already begun to recover. When no cause had occurred, since her letter on Monday to archbishop Beton, to surmount her recent disgust and aversion, much less to revive her former attachment to her husband, she employed the most tender assiduities to remove his suspicions and regain his confidence ; to sooth and assure his mind

³⁰ " And for the king our husband, God knawis always our part towartis him ; and his behaviour and thankfulness to us is semblablement well knawin to God and the warld, speciallie our awin indifferent subjects seis it, and in their hertes, we doubt not, condemnis the samyne. Alwayis we persave him occupeit and bissy aneuch to haif inquisition of our Doyngis, quhilkis, God willing, sall ay be sic as nane sall haif occasoun to be offended with thame, or to report of us any wayis bot honorably ; howsoever he, his father, and their fautoris speik, quhilkis we knew want na gude will to make us haif ado, gif thair power wer equivalent to thair myndis. Bot God moderates their forces well aneuch, and takis the moyen of executioun of thair pretensis fra thame : for, as we believe, they sall find nane, or verray few approveris of thair counsalis and devysis imaginis to our displesor or mislyking." Keith, Pref. 8. This, says Tytler, has no bitterness in it, but is merely a confidential letter to her ambassador, the day before she went to visit her sick husband. Tytler, ii. 69,

of a sincere reconciliation ; and to persuade him to return in a litter to Edinburgh. The two first of her letters to Bothwell, were written at Glasgow, on Friday night and on Saturday morning. They belong to a different branch of my subject, but it is material to observe, that from the evidence of Nelson, one of Darnley's servants, who was preserved at his death, as the first design was to carry the king to Craigmillar, she must have corresponded with Bothwell at this period, in order to procure and prepare the house for his reception at the Kirk of Field ³¹. Another material transaction is also observable. During this interval of the queen's absence, Bothwell, according to a Diary communicated to Cecil, containing a short recital of the most material passages, undertakes a journey to Liddesdale which has not yet been explained ³². From the date of Morton's pardon, on Christmas eve, he and Lethington had attended the queen till her return to Edinburgh, January 14 ; and there is no evidence that he quitted her then till their separation at Callender. While the queen went to conduct her husband to Edinburgh, Bothwell, under the pretext of a journey to Liddesdale, undertook a different expedition, which we discover only from Morton's confession, Some-

CHAP.
1.
1567.

³¹ Anderson, iv. 165. Nelson's Declaration. Appendix,

³² See Appendix, No. III. The authenticity of this Diary, to which I have adhered as to dates, will be examined in the sequel,

CHAP. time after his return from banishment, when he
 1. came from Wedderburn, Bothwell met him at
 1567. Whittingham, in East Lothian, and proposed the
 Bothwell's interview with Morton at Whitting-
 hame. assassination of Darnley, whom it was the queen's
 design to remove for the murder of Rizio. On
 declining the enterprise, as he was just relieved
 from exile, and still forbidden to approach the
 court, Bothwell and Archibald Douglas his cou-
 sin, renewed their importunities, but he required
 a warrant under the queen's hand, which the for-
 mer was never able to procure³³. The sequel is ex-
 plained by Douglas in a letter written to Mary
 after Morton's death, requesting her to intercede
 with James VI. for his return to Scotland. At
 Morton's desire he accompanied Bothwell and Le-
 thington back to Edinburgh, and returned with a
 verbal message from the latter: "Shaw to the
 " Earl Morton, that the queen will hear no speech
 " of that matter appointed unto him³⁴." As the
 letter is obviously framed to attest his own inno-
 cence, so the message is couched by Douglas in
 such ambiguous terms as might serve to exculpate
 the queen. But it is observable that the queen
 herself, previous to the conferences in England,
 avowed her knowledge, that Lethington and Mor-
 ton were privy to the murder; declared that the
 former at least would be very loth to appear against
 her, and of consequence was fully apprized of his

³³ Morton's Confession. Appendix.

³⁴ Archibald Douglas's Letter. Appendix.

and Bothwell's interview with Morton at Whittingham³⁵. And as the date of that interview must be fixed at the period of her absence at Glasgow, when Bothwell was employed to provide a house for her husband's reception, so the sole purport of the message was to shew Morton, that the queen would hear no speech, not of the murder, of which the least intimation must have alarmed her if innocent, but of the written warrant, the matter promised, or appointed unto him, which Morton demanded under her hand.

9. Her husband was persuaded to return to Edinburgh; and on Monday, January 27th, she brought him to Callender, on Tuesday to Linlithgow, where she remained next day, and on Thursday, escorted by Bothwell, whom she met on the road, she conveyed him to his lodgings at the Kirk of Field. The place was chosen under Jan. 30. the pretext of free air, to preserve the young prince at the palace from the danger of infection³⁶; and the house stood on the town wall, be-

³⁵ Anderson, iv. Part i. p. 55-90.

³⁶ Paris's second Declaration. Appendix. The house seems to have stood long empty, probably since the reformation, when the prebendaries were expelled. Blackwood's assertion, that Lord Borthwick had lately found benefit in it, from the free air, is transcribed by every apologist for Mary. Blackwood could assert without contradiction in France, what was unknown to Lesly in Scotland; and the fact is introduced by a series of the grossest fictions, for which his sole authority was the letter already quoted, from Mary, communicated to him by archbishop Beton. Jebb, ii. 214.

1.
1567.

The queen
persuades
her hus-
band to re-
turn to
Edinburgh.

DISSERTATION ON

CHAP. ^{I.} tween the ruins of the Kirk of Field, and the Black-
 friars, a ruinous Dominican monastery, from
 1567. which it was separated by gardens of some extent. It belonged of old to the prebendaries of the Kirk of Field, and consisted of two lodgings on different floors, with a *turnpike*, or spiral staircase, a postern door in the cellar, through the town wall, and another in a passage from the lower apartment into the garden³⁷. Its situation may be more precisely fixed, within the college walls, partly on the scite, and adjoining partly to the east side of the principal's house. There were no houses near, but some beggars huts above the cowgate, and Hamilton house, on the north side of the present college³⁸. A solitary house, so accessible and open

³⁷ Hay's Confession, and Nelson's Declaration. Appendix.

³⁸ Whitaker transfers the house to the present infirmary, from the appearance of a gun port, which Arnot mistook for a door, in the town wall. But the situation of the house was always well known. The Blackfriars was converted in 1578 into the high school, and the Kirk of Field into the College in 1581. In professor Thomas Crawford's MS. account of the College of Edinburgh, written about the year 1640, it is thus described: "The Kirk of Field stood along towards the east from the Potter-row port, having a garden on the south, betwixt it and the present town wall. On the east end thereof was the lodging of the provost, where now the principal hath his rooms; and to the east from thence, (within the present College yards) was the prebendaries chamber, blown up with fire at the murder of king Henry; and to this religious convent belonged all the college yards." Hamilton house was the large building at the north side of the upper

on every side, must have been chosen for the purpose. As the king's consent to return was uncertain, and as the first design was to carry him to Craigmillar, the house must have been provided under the queen's direction, during her absence at Glasgow, not by Murray or Morton, but by one whom she durst not afterwards accuse of the murder ; and Bothwell alone stood in that situation. The house belonged to Robert Balfour, one of his

CHAP.
1.
1567.

area, and from this description, the church stood in the middle of the area, which was not cleared of its ruins till 1629. As the provosts lodgings were at the end of the small garden south of the church, the prebendaries chamber adjoining, must have extended along, and occupied a part of, the principal's present house, with its gable end towards the town wall. In De Wit's curious map of Edinburgh, from a drawing by Sir Robert Gordon, in 1646, the provost's or principal's lodgings, and the ruins of the prebendaries chamber, where Darnley was blown up, are distinctly marked. See the plate. The former occupies the front of the principal's house, and is separated from the latter by a narrow passage, the little court or close to which Paris and Hepburn allude in their depositions. They are both so narrow, that the prebendaries house, as appears from Nelson's evidence, consisted only of a single chamber and closet above stairs, with a little gallery having a window in the south gable, through the town wall ; and another chamber beneath the former, with the cellar to which there was a postern door through the town wall. The cellar served perhaps for the kitchen, into which Paris, in his first declaration, enters from the little court ; and the house which I have described, corresponds with the simplicity or penury of the times.

CHAP. creatures, on whom it had been lately bestowed by
 1.
 1567. the queen³⁹, but the proper place for the king's re-
 ception at the Kirk of Field, was Hamilton-house,
 which was then unoccupied. Nelson, his servant,
Carries him to the Kirk of Field. “ knew (of) no uther house quhill the king lychtit,
 “ at quhilk tyme he past derectlie to the Duikis
 “ hous, thinking it to be the lugeing preparit for
 “ him ; bot the contrare wes then shawen to him
 “ by the queene, quha convoyet him to the uther
 “ house.” The keys were delivered by Balfour, the
 owner, to Nelson and Bonkle, the king's servants,
 but the postern door in the cellar, as the key could
 not be found, was secured within. The outer door,
 at the bottom of the staircase, was afterwards em-
 ployed, by the queen's directions, as a cover for
 the vat in which her husband bathed, and no se-
 curity but the portal doors of the gate remained.
 His chamber had been furnished with hangings on
 his arrival, but a new bed of black figured velvet
 “ standing therein,” was removed by her order,
 lest it should be soiled by the bath, and an old
 purple travelling bed was placed in its stead. A
 green bed was prepared for the queen, in the lower
 chamber beneath the king's. She slept there on
 Wednesday or Thursday, on which occasion the
 keys of the lower chamber, and of the passage into
 the garden (that of the cellar was retained by
 Bonkle) were delivered to Paris and Beton, her

³⁹ Dec. 9, 1566. Privy Seal Record, B. xxxv. fol. 96.

servants, with whom they remained⁴⁰. She slept again on Friday, February 7th, at the Kirk of Field. At other times she returned to the palace, but omitted no mark of affection or assiduous attention during the day. Notwithstanding these indications of attachment to Darnley, many suspected some enterprise of Bothwell's against his life; but none durst apprize him of his danger, as he revealed all, says Melvil, to some of his own servants, who were not all faithful; or rather, according to Buchanan and Morton, and as explained by the event, to the queen herself⁴¹. The house, it is said, was deserted by some of his servants, aware of the design; and it is certain that Durham, the one particularly accused of betraying his master, was rewarded by Mary, five days after his death, with a pension and place⁴². Lord Robert

⁴⁰ Anderson, iv. 165.

⁴¹ Melvil, 78. Buchanan's Hist. L. xvii. p. 350. Morton's Confession, Appendix.

⁴² When Paris was sent on Saturday the 8th for the coverlet of the queen's bed, Durham, whom he calls *le portefais du Roy*, demanded the key of her chamber; and when that was refused by Paris, carried the coverlet to the abbey, as if to earn his reward. Paris's first declaration. Appendix. On Monday he kept the king's body in a neighbouring house, from public inspection, till it was removed to the abbey. (Melvil, 78.) And on Saturday the 15th, when the king was buried, this porter of Darnley's was appointed, by the queen's signature, master of the wardrobe to the young prince for life, with a yearly salary, of an hundred pounds, Scots. Privy Seal Record Book, 36, fol. 15.

CHAR. Stewart, her bastard brother, informed him of the
 I.
conspiracy under the seal of secrecy ; “ that if he
 1567. “ retired not hastily out of that place it would cost
 “ him his life, which he told again to the queen,”

Feb. 7. on Friday night. Instead of searching privately
 to discover, and prevent the danger, she next
 morning confronted her brother, who denied what
 he durst not affirm in her presence, with her hus-
 band, who gave him the lie direct, and as their
 hands were already on their swords, she ende-
 voured, according to the conclusion of her ene-
 mies, to instigate those fierce young men to some
 act of sudden revenge⁴³. On these occasions, two
 of the letters preceding the murder were sent to
 Bothwell, who lodged at the palace ; and on Sa-
 turday she bestowed a pension on Margaret Car-
 wood, her confidential maid, “ quha was previe,
 “ and ane helpar of all thair lufe.” On Sunday,
 Februyry 9th, she conferred the vicarage of Dun-
 lop on Archibald Beton, usher of the chamber,
 who retained the keys of the Kirk of Field⁴⁴. After
 supper she visited her husband, with whom she

⁴³ Melvil, 78. Buchanan, L. xviii. p. 350.

⁴⁴ Liferent Pension to Margaret Carwood of 300 merks out
 of the lordship of Kincleven, at Edinburgh, viii. of February
 1566. Privy Seal Record, b. 36. fol. 7. To Archibald
 Beton, our soverain’s daily servitor of thair previe chalmer,
 the vicarage of Dunlop, during his lifetime, at Edinburgh,
 the nynt day of February, 1566. On Friday the 7th, the
 parsonage of Old Roxbergh was given to James Beton, son
 of Robert Beton, of Creich. Id. fol. 8.

remained in familiar conversation till a late hour, when, as if suddenly recollecting Bastian's marriage with Margaret Carwood, at which she had promised a mask to her servants, she returned to the palace with her whole train. During this visit, the murderers were introduced by Paris through the garden and back door, into the lower apartment, and the gunpowder was placed in the queen's chamber, immediately under the king's bed. Two hours after midnight, the house was blown into the air; and the whole city was alarmed by the explosion. The dead bodies of the king, and of a domestic who slept in his chamber, were found at some distance, untouched by the powder; and while other servants were oppressed by the ruins, those who slept in an adjoining gallery were preserved from the shock by the intervention of a large stone wall.⁴⁵

CHAP.
I.
1567.

Where he
is murdered
by Both-
well.
Feb. 10.

10. From those facts that preceded the mur-

conclu-
sion

⁴⁵ See the depositions of Hay and Hepburn, and Nelson's evidence, in the Appendix. The proclamation to discover the murderers mentions "the bodies of his grace and of a servant found dead, besides sum otheris that thro' the ruin of the house were oppressit, and some at God's pleasure preservit." Anderson, i. 36. Symonds' and Taylor's boy, who lay in the little gallery, seem to have been preserved with Nelson, "Quhilk never knew of any thing quhill the house in which they were was fallen about them." Nelson's Evidence. Besides Taylor, who lay in the king's chamber, Mackaig and Glen, his grooms, appear, from Archibald Douglas's trial, to have been also killed. Arnot's Criminal Cases, 9-18.

CHAP. der, two conclusions, opposite to each other, remain to be deduced. The first is, that Murray and his associates planned the conspiracy, and instigated Bothwell, by the hopes or assurance of the queen's hand, to commit the crime; the second, that it was perpetrated by Bothwell alone, with the queen's consent; for hitherto, the vindication of his innocence has never been attempted except by Goodall⁴⁶. Murray, notwithstanding his illegitimate birth, had proposed, according to the first conclusion, that Mary should entail the crown on himself and his family, for which purpose he endeavoured to prevent or render her marriage abortive; had conspired at the Raid of Beith to murder Darnley, and secrete her person in Lochleven castle; contrived the assassination of Rizio in her presence, that the child of which she was pregnant might perish with its mother; and devised the murder of the king her husband, in order to precipitate the queen into the arms of Bothwell, and in consequence of the public discontent which their marriage might excite, to assume the government in his own name. The

Concerning
Murray's
guilt

⁴⁶ Goodall bestows a whole chapter on Bothwell's innocence, (vol. i. chap. x. p. 237) the only part of that strange medley of fact and fiction, which his transcribers have had the grace to omit. In his notes on Scotstarvet, he renews the intimation, "that there are people who do not believe that he, Bothwell, was guilty of that murder;" (Staggering State, &c. 152.) and bestows the same vindication on Sir James Balfour, in the life prefixed to Balfour's *Practices*.

sole evidence of these facts is the instructions CHAP.
from the lords and abbots of Mary's party, to I.
Lesly, bishop of Ross, and his colleagues, her
commissioners at York; but the instructions are
obviously devised and penned by the bishop him-
self.⁴⁷ In the immense mass of correspondence
with France and England, no trace has been found

1567.

⁴⁷ The fact is evident from the same declamatory lan-
guage, and unconclusive arguments which Lesly has em-
ployed in his defence of Mary's honour. It is also evident
that the instructions were arbitrarily framed, in the same
manner with the protestation already quoted, which was
drawn by Lesly, and transmitted from England to be sub-
scribed by Argyle and Huntley, concerning their former de-
clarations to the bishop, of the conference at Craig Miller.
The instructions state, that in order to procure a pardon for
the banished lords, they offered to "find causes of divorce,
outher for consanguinity, (as the dispensation was not pub-
lished), or else for adultery, or then to get Darnley con-
victed of treason, for consenting to her retention in ward,
(on the murder of Rizlo) or what other way to *depesche him*,
quhilk altogether her grace *refusit*; so that having the means
to be separate, and yet wald not consent thereto, it may be
clearly considered that her grace wald never have consented
to the murder;" which is therefore transferred to the lords
themselves. Goodall, ii. 359. This at least is explicit, if not
logical; but when the particulars of the conference are ex-
plained in the protestation, it appears that none of those
means, if suggested at all, were rejected by the queen. When
the commissioner, instead of requesting an exact account to be
sent of the conference, transmits a protestation so contrary to
his instructions, to be signed by his constituents, we may con-
clude that the instructions, as well as the protestation, were
devised by himself. Anderson, iv. 188. Goodall, ii. 314.

CHAR. of a proposal by Murray to entail the crown on
his own family; nor was any attempt ever made
1567. to remove his illegitimacy; much less to alter the
lineal succession, acknowledged by parliament, of
the house of Hamilton to the Scottish throne.
Where the preliminary fact is historically false,
whoever, even in an election contest, has wit-
nessed the violence of party zeal, will hardly be
surprised that Lesly's explanation of the Raid of
Beith, to murder Darnley and imprison the queen,
by anticipation, in Lochlevin castle, should be at-
tested, among others, by Argyle and Rothes,
Murray's former confederates, when it was con-
venient for their party to maintain the assertion.
The assassination of Rizio in the queen's presence,
was not concerted by Murray, who merely availed
himself of a plot to seize and execute an insolent
favorite, as a fair opportunity to return from
exile. These premises, indeed, were evidently so
false, and so remote from the conclusion, that
Lesly afterwards interposed another, of which
there is no proof whatsoever, direct or presump-
tive, that Darnley, some time after the murder of
Rizio, proposed to certain nameless noblemen, to
assassinate Murray; and that Murray, when in-
formed by them of his danger, conceived such
deadly hatred, that he never ceased till he had
accomplished the destruction of his enemy, for
his own preservation. When summoned on
some frivolous pretext to court, he returned

THE MURDER OF DARNLEY.

3

to St. Andrews on his wife's miscarriage, before the murder; but if absence alone be a proof of guilt, what vindication remains for innocence to produce? The opportunity was undoubtedly chosen, when, from the resort of the nobility, the suspicion might be divided among them, or at least removed from the real conspirators; but Murray's supposed associates were also absent; the murderers of Rizio were still prohibited from approaching the court; Morton was then at Abernethy⁴⁸, and the nobility present consisted entirely of Bothwell's and the queen's friends⁴⁹.

CHAP.
I.
1567.

But whenever the direct, or presumptive proofs of a crime are defective, we must resort to those probable motives which are supposed to actuate the conduct of men. Murray's designs on the crown are entirely conjectural; but his ambition could propose no immediate benefit from the removal of Darnley, whose existence, even on the

⁴⁸ Hume's History of the House of Douglas, 353. Morton's Confession, Appendix. Th. Crawford's Notes on Buchanan, 170, from which it is evident that Morton had not returned to court. After the conference at Whittingham, he crosses the Forth at Earlsferry, to visit his nephew, the Earl of Angus, a student at St. Andrews, from whence he went to Abernethy, and was there the day that the murder took place.

⁴⁹ The Archbishop of St. Andrews, the Earls of Athol, Argyle, Huntley, Caithness, Cassillis, Sutherland, and Bothwell, the Bishops of Ross and Galloway, the Lords Fleming and Livingston, the Treasurer, Justice Clerk, and Secretary Lethington. Council's Letter to the Queen Mother of France, Appendix.

CHAP. Renewal of Mary's affection, would have been no
I. obstruction to Murray's regaining his ascendancy
1567. in her councils, and whose death, in the first instance, would have been advantageous only as it released the queen from an odious husband. To precipitate Mary into the arms of Bothwell, in order to confirm the suspicions of her subjects, and by a general insurrection to deprive her of the crown, were the objects which Murray, if criminal, must have proposed from the beginning ; but these were evidently too consequential, precarious, and remote from view. Murder may be committed from the impulse of violent hatred, or the hopes of immediate gain : never for the mere purpose of transferring the imputation of the crime to others. But to conceive and plan the destruction of Darnley, that the queen might be suspected of a share in his death ; that she might not only be suspected, but involved in a marriage with the chief instrument of her husband's murder ; that on this disgraceful alliance, she might be opposed or deserted by her own subjects ; that she might not merely be resisted, but imprisoned and deprived of her paternal kingdom—all this implies a train of consequences too remote to be distinctly foreseen *a priori*, and too refined and visionary to operate as any rational inducement on the human mind. If innocent, the queen might escape suspicion, or vindicate her own innocence, to the satisfaction of her subjects, by the prosecution of the murderers, and the discovery of Murray's

guilt. Bothwell, if suspected, might be disappointed of a marriage which was still contingent, and if punished, or even rejected by the queen, might be induced to reveal his most secret associates. But the marriage itself, of which the remote and calamitous consequences were the sole objects of pursuit to Murray, would have exalted into a rival, far more dangerous and hateful than Darnley, an inveterate enemy, whose address and power might have finally triumphed over his opponents, and secured to himself the possession of the crown, to which Murray secretly aspired. Or if Bothwell's opposition were once surmounted, the removal of the young prince would have raised a more formidable competition for the crown; and the contest, under every disadvantage of usurpation and regicide, must have been renewed with the Hamiltons, against whom Murray found it so difficult, when regent, to maintain the legitimate authority of the king, and whose insidious vengeance in a few years deprived him of his life⁵⁰. Judging, therefore, from the ordinary principles of human conduct, we can discern no rational object for which Murray would concert, or even engage in the murder, without the queen's consent.

11. The remaining conclusion, that the murder was planned and executed by Bothwell, with the queen's approbation, is confirmed by every circumstance in the preceding detail. Her blind

⁵⁰ See Appendix, No. IV.

CHAP.
1.
1567.

CHAP. and ardent affection for Darnley, subsiding into
 I. cold indifference, and converted by a barbarous
 1567. outrage into disgust and aversion; her deep melancholy, the effect of contrition for an ill-advised attachment and imprudent marriage; her uniform and undisguised neglect of her husband, and the contempt to which he was reduced, even on a public solemnity, in the presence of foreign powers; the pardon granted to the murderers of Rizio, to whom she was inexorable, till it became her interest to conciliate their support; her supine indifference and return to Edinburgh during the king's sickness, contrasted with her impatient haste and anxiety to visit Bothwell, when slightly wounded; her sudden journey to Glasgow on his recovery, and her inexplicable reconciliation to him, which no man can believe to have been sincere; the artful policy with which she persuaded him to return, and conducted him herself, to the house which Bothwell had prepared for his destruction, during her absence, with her direction or consent⁵¹; her removal of the outer door, and

⁵¹ Blackwood, conscious of the force of this fact in Nelson's evidence, inverts it entirely; represents Murray, who was certainly not at Glasgow, as advising the queen to carry her husband to the Kirk of Field, as a place of good air, where Lord Borthwick had lately been well lodged; and on their arrival there, when conducting her husband by the hand to Hamilton House, adjoining to the provost's, *elle fut destournee par Mourray, & menee dedans la maison funeste*, Jebb, ii. 214. Of all the early apologists for Mary, Blackwood is undoubtedly the greatest liar.

THE MURDER OF DARNLEY.

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the new velvet bed ; the keys of the lower chamber, where the powder was laid, entrusted to her servants ; the pensions bestowed at that critical moment, to secure their connivance or silence ; and the pretext employed for her absence that night when the murder was committed, coincide with the worst and strongest motives to be discovered for her conduct, to rid herself of a husband she detested, for one she preferred. The revival even of the primate's consistorial jurisdiction, was subservient to Bothwell's divorce or her own ; nor in the conference at Craigmillar, did she reject that expedient, for which no immediate or decent pretext could be found. The canon law could give no divorce for her husband's infidelity, of which there is no proof ; the pretext of consanguinity was removed by a dispensation ; and after the example of Henry VIII. a papal divorce was disgraceful, doubtful, and full of delay. The benefit of being restored by Bothwell to the independence of a single state, and a second choice, was great and immediate ; nor can we presume on her innocence, from her education at a vicious court, among nations already inured to the crime. A part of her courtiers had assassinated Rizio to gratify the king. Without the ambition imputed to Murray, others were ready to gratify their mistress by a similar revenge on Darnley, for which her exalted station promised impunity ; for who would sus-

CHAP.
1567.

DISSERTATION ON

CHAP. pect a woman, or who would venture to accuse,
I even if they should chance to suspect the queen?

1567. When the two conclusions, so opposite to each other, are fairly examined, we discover no proof nor probable motive of Murray's guilt, but the strongest presumption that the queen was not only privy, but accessory to her husband's death. Had she proceeded no farther, his fate might have been overlooked by her subjects, and forgotten by suspended. the world; but as her marriage with Bothwell, the chief murderer, was deemed a convincing proof of her guilt, the conclusion must be suspended, that we may examine the events which succeeded the murder.

CHAPTER II. .

The Facts that succeeded the Murder.

1. **E**ARLY in the morning, the people alarmed CHAP.
II.
1567. at the sudden explosion, and report of the murder, hastened eagerly to inspect the bodies, and to investigate the circumstances of such an atrocious crime. But the bodies were removed ^{All inquiry into the murder suppressed.} to the next house, on Bothwell's arrival with a guard from the palace; nor was Melvil, or the Piedmontese ambassador, admitted by the soldiers to examine the king's¹. It was Bothwell's first design to persuade the people that the house was consumed by an accidental fire; but the appearance of the dead bodies, without any marks of powder or external violence, in an adjacent garden beyond the walls, excited a prevailing report and belief, that the king and his servant had been strangled and carried thither, before the house was blown up². The privy council wrote immediately to explain the disaster to the queen mother of France; that the queen and most of her nobility present, who had remained till midnight in

¹ Melvil, 78. Birrell's Diary, 7. Le Croc, the French ambassador, was then in London. Keith, 263, n.

² Melvil, 78. Crawford's MS.

CHAP. I.I
1567. the king's chamber, had very nearly been destroyed by the explosion; and from the signatures to the letter, we discover that the nobility and prelates then at court, consisted entirely of Bothwell's and the queen's friends³. In the afternoon an inquisition was taken by the justice general; but when Nelson declared that Bonkle had the key of the cellar, and the queen's servants, those of the lower chamber, "hald there," said Tullibardine the comptroller, "there is ane grund;" after which no further enquiry was made⁴. In the meanwhile the queen kept her bed, which was hung with black as a sign of mourning; with candles ready to light, as the daylight was excluded according to the fashion of the times. If we may trust farther to the same evidence, Bothwell, on his return, was admitted to a conference under the curtain; and the fact is confirmed by Melvil, whom he met, and informed at the door, "that the queen was sorrowful and quiet, which occasioned him to come forth⁵." On Tuesday morning she rose as usual, and on the arrival of

³ See Appendix, No. V.

⁴ James Murray, Tullibardine's brother, was the author of the Placards, accusing Bothwell of committing the murder with the queen's consent. Tullibardine himself, from whom his brother must have derived his information, was undoubtedly innocent; and was shipwrecked in Shetland, in pursuit of Bothwell. The inquisition therefore was stopped from tenderness, not to Bothwell's, but the queen's reputation.

⁵ Paris's Declaration, Appendix.

THE MURDER OF DARNLEY.

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 dispatches from her ambassador at Paris, wrote in CHAP.
 answer, " that the house in which the king was II.
 " lodged had been blown into the air, he lying 1567.
 " sleeping in his bed," exaggerated the effects of
 the explosion, the diligence which the privy-coun-
 cil had already exerted to discover the murderers,
 and her own resolution to exact a rigorous and
 exemplary vengeance ; but no expression of afflic-
 tion, or pity for his untimely fate, not even the
 name of husband, escapes her pen. On the con-
 trary, she seems to congratulate herself on her
 own escape ; intimates that the enterprize was
 directed as well against her as the king, as she lay
 most part of the last week in the same lodging,
 remained there with most ~~of~~ the lords till mid-
 night ; " and of very chance tarried not all night,
 " by reason of a mask at the abbey ; but we be-
 lieve it was not chance, but God, that put it
 " in our head." Next day a proclamation was Feb. 12.
 issued, in the same terms with the letter, offering
 a reward of 2000l. Scots (166l. sterling) to dis-
 cover the murderers⁶. The king's body was
 brought that same day to the abbey chapel, and
 " quietly," or rather " very secretly", interred by
 " night," on Saturday the 15th, " without any
 kind of solemnity or mourning heard among
 all the persons at court;" and without the pre-
 sence of a single nobleman, or officer of state, but

⁶ Keith, pref. 8. Anderson, i. 37.

⁷ Birrell's Diary, Cecil's or Murray's Diary, Appendix.

CHAP. the justice clerk⁸. On the same day that her hus-
band was buried, she conferred on Durham, the

1567.

Feb. 15.

⁸ Crawford's MS. not a word of which is to be found in his printed Memoirs. That MS. and Birrell's Diary confirm Buchanan's account of the nocturnal secrecy and indecency of the funeral: and Lesly is unable to specify a single person present, but Bellenden, the justice clerk, and the laird of Traquair. Anderson, ii. 23. Buchanan adds, that the king was buried beside Rizio, whose body the queen had formerly removed, from before the abbey church door, where it was first interred, to the royal vault, where James V. and his children were buried. The fact is strangely confirmed by Melvil's Diary. The two Melvils, the clergymen, on their visit to Buchanan before his death, found the printer at the very passage in question, *anent the murder of David*, at the end of the 17 book, and having stopped the press, Mr. Thomas Buchanan, his cousin, represented how hard it was for the time, that the king would be offended at it, which might stay the whole work. Buchanan immediately appealed to them, whether he had told the truth, concerning the burial of Rizio, to which they assented. (See Appendix, No. XIX.) And the fact, which must have been notorious then, is not contradicted by Keith's objection, that when the vault was opened, by Sir Robert Sibbald, (1683) it was completely filled with the bodies of James V. his queen, and Darnley, together with the two infant daughters of James V. and his natural daughter, the Countess of Argyle. Keith, 368, note. Dalyel's Scottish Poems of the 16th century. Pref. 26. Edin. 1801. The argument implies, that there was no room for Rizio's body, which the regents would not have suffered to remain there, and which must have been removed before Murray's sister, the Countess of Argyle, who died in 1585, could have been placed in the vault. Calderwood informs us, apparently on different authority from Buchanan's, that Rizio's body, when removed from the abbey church door, was buried in the night time; near queen Magdalene's. Calderwood, MS. ii. 5.

CHAP.
II.
1567.

servant who had deserted or betrayed him, a place about the person of her son, together with a pension; and on Bothwell, the reversion of the feudal superiority of Leith, already mortgaged to the citizens of Edinburgh, which gave him not only the command of the harbour, but from their desire to retain the superiority, a proportionable influence over the capital⁹. Bothwell, in proportion, however, to his power, and his favour with the queen, incurred the public imputation of the murder. At first the most opposite reports were spread, that it was committed by Huntley and Bothwell, or by the contrivance of Murray and Morton; and which party soever were guilty, we may be assured that they would be diligent to transfer the im-

⁹ Robertson, ii. 334. "Bothwell having spent his whole estate at his return from France in the year 1565, he was first made lieutenant-general over all the borders; he got the abbey of Melross, which was better before his intromission therewith than 5000l. Scots per annum. The abbey of Haddington, worth 1000l. Scots, castle and lordship of Dunbar, belonging to the crown, worth 2000 marks per annum; captainship of Edinburgh Castle, with a yearly allowance of 1000. He was made duke of Orkney, and lord of Shetland, being the property of the crown, worth 10,000 marks Scots. He should have had the superiority of Leith, and feu of the Canongate, beside Edinburgh, to be more able to make a party to the town of Edinburgh; and he had delivered to him of the queen's jewels, to the value of 20 or 30,000 crowns." Answers from Scotland to a note containing certain enquiries from England; Matthew Crawford's MSS. W. 2. 23, fol. 53. Adv. Library.

CHAP. ^{II.} putation of the crime to the other. But the reports and suspicions of the public soon settled on ^{1567.} Bothwell alone ; and, in consequence of the proclamation of a reward, a placard was affixed on ^{universally suspected.} Feb. 16. Sunday to the public gaol, accusing him and three others as the authors of the murder, with the queen's consent. Another proclamation, desiring the accuser to appear, and subscribe the charge, Feb. 19. produced a second placard on the 19th, the writer of which required that the reward should be first lodged in honest hands ; proposed that three of the queen's servants, Seigneur Francis, Bastian and Joseph, should be arrested and stopt, and on these conditions offered to appear, with four others, to sign the accusation on Sunday next. But the queen and Bothwell had already retired to Seton, where a pension was conferred on Seigneur Francis, the very day after the placard appeared¹⁰; and all enquiry into the murder was silently, yet so completely abandoned, that from the proclamation issued on the 12th, it does not appear that a privy council was once held till the 1st of March, when it met for the dispatch of indifferent affairs¹¹.

¹⁰ To Seineoure Johne Francisco de Boffo, knyt of the order of St. James of Spada, and of her hienes master of householdis, a pension of 400l. yearly, for life, out of the bishoprick of Ross : At Seton, 20th Feb. 1566. Privy-seal Record B. 36. fol. 9.

¹¹ Anderson, i. 36. Buchanan's Detection, 24. Melvil, 78.

2. But the queen's supine inattention to the murder of her husband, after the promise of such rigorous vengeance, can neither be imputed to excess of grief, nor to the imbecility incident to a female reign. She was neither a minor, nor susceptible of tutelage. Her real character was displayed, at her marriage, in the quick apprehension, the spirit, vigour, and resolution with which she anticipated and quelled an insurrection ; and at the assassination of Rizio, by the most consummate dexterity, art, and address. If innocent herself, she must of course have suspected some desperate party or leader then at court ; nor could she possibly believe that her husband was murdered, without the least surmise of the real author, or the cause of his death¹². Her suspicions must have fastened either on Murray, and his adherents among the reformers, or on the Hamiltons, the hereditary enemies of Lennox, or on Bothwell and his associates ; the three parties that prevailed at court. The first might justly allege, that he neither procured the house, nor conducted the king thither ; the second, that they

CHAP.

11.

1567.
The queen,
if innocent,
must have
suspected
the mur-
derers.

¹² Blackwood, among other fictions on the subject, informs us, that on leaving the Kirk of Field, to go to the palace, on the night of the murder, the queen met Paris, Bothwell's servant, and asked him where he had been, that he smelt so strongly of gunpowder. Jebb, ii. 215. Blackwood unluckily forgot, that if the fact were true, the queen could be at no loss to discover the murderer, and should have arrested Paris, if not his master, next day.

CHAP. were all absent except the archbishop : but if the
II. queen suspected Murray, the Hamiltons were
1567. ready to join against him, with Bothwell and Huntley, to imprison, or, if he fled from justice, to attaint him in parliament ; if she suspected the Hamiltons, Bothwell, Lennox and Murray were prepared to reduce a potent family that had aspired to the crown. If, on the contrary, she had suspected Bothwell, but had rendered him too formidable to be arrested at court, the conduct proper to be pursued was obvious, as at Rizio's murder ; to retire to the castle of Edinburgh or to Stirling-castle, and under the direction of Murray, Mar, or Lennox, to summon her nobility and subjects to her aid. If innocent, she must have suspected somebody, and the means of detection were evidently in her hands. The persons who provided, or furnished the lodging, the man to whom the house belonged, the servants of the queen who were entrusted with the keys, the king's servants who had previously withdrawn, or were preserved at his death, her brother, Lord Robert, who apprized him of his danger, were the first objects for suspicion or enquiry, and their evidence would have afforded the most ample detection. Had she consulted either the preservation of her character, or the gratification of a just revenge, the path lay open before her, and a small portion of the spirit, vigour and address exerted on the assassination of Rizio, would have sufficed to discover the real conspira-

CHAR.
II.
1567.

tors, and, by an adequate vengeance, to rescue her own reputation from censure. But if accessory, or privy in the least to her husband's murder, she must have acted precisely as she did. After a slight or specious enquiry, she would omit all further investigation of a crime of which she was conscious; and retire from the keen observation, and the harsh reports of her capital, that during her absence, and the silence of government, the memory of her husband might gradually be effaced from the mind of the people.

3. But the queen, if innocent, was not left to the pretext of ignorance, and her suspicions must, indisputably, have pointed towards Bothwell.
Her suspic-
tions must
have fixed
on Both-
well.
 Voices were heard in the streets at midnight, paintings were affixed to the public buildings, to denounce the murderers¹³; nor was Mary ignorant of the placards accusing Bothwell and his accomplices, her servants, and herself. Lennox, in a letter from Houston, February 20th, advised her to assemble the nobility and estates of the realm, with all convenient diligence, for the trial of the murder, and appealed to her feelings in the most pathetick terms; *being the father to him that is gone.* In her answer from Seton, dated the 21st, but received on the 24th, she observes, that his advice to summon a convention of estates, was already prevented by a parliament which she had

¹³ Buchanan's Detection, 22.

CHAP. II. proclaimed, wherein the murder should be the first subject investigated, and nothing left undone to promote the enquiry. The parliament had been proclaimed before Christmas ¹⁴, and was still so distant, that Lennox renewed his former advice : That as the meeting of parliament was remote or uncertain, as the matter demanded an immediate punishment, and as certain placards had been posted up in answer to her proclamations, accusing the contrivers of the murder by name ; her majesty, for her own honour and the tranquillity of the realm, should apprehend and commit the accused to prison ; assemble the nobility with diligence, and by public proclamation, summon the authors of the placards to appear. His advice was sound and judicious, as no accuser nor witness, unless protected by the rest of the nobility, would dare to appear against a powerful delinquent. But the March 1. queen in a letter from Seton, more evasive still than the former, replied that she never meant to refer the matter, not being a parliamentary matter, to the meeting of parliament, but that the nobility would then be more easily convened ; and as to the imprisonment of those accused, the placards were so numerous, and the names so different, that she knew not on which to proceed ; but if any were named whom he thought worthy of trial, upon information from him, she would

¹⁴ Knox, 444. Quarto edit. Edinb. 1644. Calderwood, ii. 90. MS.

take such cognizance of them as might stand with CHAP.
the laws¹⁵. The contents of the two placards, the
names of the persons accused of the murder, the
suspicions expressed of her own connivance, were
evidently not unknown to the queen. She had
received from the father of her late husband, the
most judicious and impressive advice for the pro-
secution of the murderers; but her refusal either
to secure their persons, or to summon a conven-
tion of estates for their trial, leaves no room to
doubt of the object of her expectations, that Len-
nox, discouraged at the prospect of an unavailing
trial, and intimidated by the danger of appearing
in person to support the charge, would desist
from any accusation against Bothwell by name.

II.
1567.

4. While Lennox continued to deliberate, she returned from Seton on the 10th of March, when Murray obtained permission to retire to France. His name appears on the 11th¹⁶, as present at a

Bothwell
accused by
Lennox,
March 16.

¹⁵ Anderson, i. 40-5.

¹⁶ Cecil's or Murray's Diary, Appendix. The names marked as present on the 11th, are inadvertently transferred by Anderson to the council held on the 14th, the next on the record. Anderson, i. 36. Records of Council; Register-house, Edinburgh. That Murray was still at Edinburgh on the 13th, appears from the following letter to Throckmorton, (probably sent by Killigrew) which may explain his sentiments, and the nature of his correspondence with the English court.

“ Traist freind, after my maiſt harty commendatioun, yff after sic accidents as lately hayth fallen out in ther parts, ane uther messenger hayth bene sent towards the quein, my

DISSERTATION ON

CHAP. council held, like the former, on common affairs.

II. At another which met on the 14th, but of which
^{1567.} March 14. the names are not marked, a proclamation was issued to apprehend the laird of Tullibardine's brother, for certain defamatory paintings against the queen; and while all enquiry into the murder was forgotten, it appears that a rigorous search was employed to discover the authors of the late placards¹⁷. After long deliberation, Lennox, in a

March 17. letter from Houston, March 17, denounces Bothwell, Balfour, and others named in the placards, as the persons whom he strongly suspected of the murder; and renews his former application for their imprisonment and a convention of the nobles¹⁸. No answer was sent back for a week, till a negociation had been concluded for the surrender of Edinburgh-castle by the Earl of Mar. The young prince was conveyed to Stirling on the

souveraigne, nor this present bearer, I wald have bene ernest to haif lat you knew moyr amply of my mynd by wrytt. But in respect of the sufficiency of my said freind, I will not be long: he hayth hard and seyn moyr nor I can wrytt. I will desyir you to gif him credit on my behalf, and that accidents procedinge from the botome of wickednes, alter not the good wills of sic as upon maist just raisons and considerations hes deliberat to follow furth godly and guid purposes, and thus I end, committing you hartly to God; from Edynb. the xiiij of Marche, 1566. Yours maist assured to his power." James Stewart. Auderson's MSS.

¹⁷ Buchanan's Detection, 22. Anderson, i. 38.

¹⁸ Anderson, ii. 111. See Appendix, No. VI.

19th of March, and delivered into his hands. CHAP. II.
 The castle in return was surrendered on the 21st, 1567.
obtains
the com-
mand of
the castle.
March 21.
 and instead of committing Bothwell to prison, as required by Lennox, the queen, in addition to every former office, entrusted him with the custody of the chief fortress in the kingdom, at a time when he was publicly charged, by her father-in-law, with the murder of her husband, the deceased king. After such a preparatory step, as gave him the command of the city, and rendered his trial a mockery of justice, a solemn mass and dirge were performed in the queen's chapel, for the repose of her husband's soul¹⁹. Then an answer was returned to Lennox; that she had prevented his desire of a convention of nobles, whom she had sent for to be at Edinburgh the approaching week, where the persons named in his letter should undergo such trial as is by law appointed: and if found culpable of the odious fact whereof he suspects them, should receive such condign punishment as the crime deserves. She requests Lennox to attend, if convenient, and give information; but the name of Bothwell is not once mentioned; no suspicion of his guilt is intimated; on the contrary, an affected disbelief of the charge is insinuated²⁰; and no

¹⁹ Birrell's Diary. Keith, 379. Anderson, i. Pref. 64.

²⁰ " For indeed (as ye wrait) we esteem ourself party, " gif we were resolute of the auctours." Anderson, i. 49.

CHAP. desire is expressed to investigate the evidence
 11. previously to the trial, or to discover any proof
 1567. whatsoever of the crime. At a council held on
 March 28. the 28th, by the queen in person, Bothwell, in-
 protected, and his
 trial hastened by
 the queen. stead of being committed to custody, sat and di-
 rected his own trial, in conjunction with the
 earls of Huntley, Argyle, and Caithness, the bi-
 shops of Ross and Galloway, Lethington the se-
 cretary, and two subordinate officers of state. As
 the design was to hasten forward the trial, before
 the prosecutor had obtained any evidence, or
 could venture to appear, Lennox was cited in
 the beginning of April, to attend and support the
 charge on the 12th: the crime was laid in the in-
 dictment on the 9th, instead of the 10th of Fe-
 bruary, and the sole proof offered of Bothwell's
 guilt, was, that it was "notourly known quhilk
 "he cannot deny."²¹ From the whole circum-
 stances, and correspondence on the subject, no
 doubt can remain with an impartial mind, that
 Mary, conscious of Bothwell's guilt, and of the
 suspicions entertained of her own connivance,
 endeavoured to prevent, and afterwards to frus-
 trate the accusation, by precipitating a trial which
 she could not with decency refuse.

Murray's
 departure
 and motives
 April 5. 5. A privy council was held at Dunbar, April
 2d, at which it appears that the queen was pre-
 examined. sent. Another met on the 5th, at Seton, where

²¹ Anderson, i. 50. ii. 97. 103.]

the second contract of marriage between Mary CHAP.
and Bothwell was framed by Huntley, who, ac- II.
cording to Cecil's or Murray's Diary, had ob- 1567.
tained a *procuratory*, or proxy, from his sister
Lady Bothwell, to commence a suit for a divorce
from her husband. According to the same
Diary, Murray, whom we find at Whittingham
on the 8th, departed from Scotland on the 9th; April 9th.
and, at this important juncture, his absence is
again converted into a proof of his guilt²². Ac-
cording to this hypothesis, his plans for Both-
well's acquittal, divorce and marriage with the
queen, the subsequent insurrections, the expul-
sion of the one, the captivity of the other, and
his own recall to the office of regent, were already
concerted with Morton and his associates, and he
withdrew, with a sort of prescience more than hu-
man, to avoid the suspicion of those events which
were still contingent, and which it was impossible
to have foreseen. The conclusion is, when properly
stated, too absurd to be believed; that a popular
leader, the author of every transaction conducive, or
subsequent to the king's murder, should abandon
his party to its own guidance, and instead of retir-
ing to England, where perhaps he might remotely
direct his adherents, should withdraw to France, to
place himself, at the queen's desire, in the hands
of her relations and popish friends. But the pre-

²² Privy Council Records. See Appendix, No. VII.

CHAP. ^{II.} ~~1567.~~ inises themselves are false. The name of Murray is found only once in the council records, when his attendance was necessary to procure permission to quit the kingdom; and there is no proof whatever that he resided at court after the murder, much less that he obtained a share in the administration with Bothwell²³. His name does not occur, as he was not present, at the privy council for Bothwell's trial, where Lesly, who imputes the acquittal to Murray's friends, has forgotten to explain his own share in that infamous transaction. Morton and his associates, Ruthven and Lindsay,

²³ On this occasion Tytler adds a few facts, on which his whole system depends, but for which there is no authority to be found. "A few days after the murder, Murray returned to court. There he remains for the *space of two months*, joins in *all the councils* during the time, and is in *strict intimacy* with the Earl of Bothwell.—After this (order for Bothwell's trial) we find the Earl of Murray *at court, and assisting in council until the 9th of April*, two days before Bothwell's trial." Tytler, ii. 92-8. The privy councils, on the 11th and 28th of March, are the only two of which the members names are marked in the record. Murray was necessarily present at the first, when at court to obtain licence to quit the kingdom; but was not present at the second, when Bothwell's collusive trial was arranged. Buchanan mentions his return, and Bothwell's attempt to assassinate him, a few days after the murder; but there is no evidence that he remained in town, much less that he followed the court, or attended the queen and Bothwell, during their long, and suspicious residence at Seton.

are not once mentioned in the council records, CHAP.
nor does it appear that they had returned to
court, or resumed their seats at the board of
council. But the conduct of Murray is suscep-
tible of a more rational and just explanation than
it has hitherto obtained. The designs observed
by Lord Robert, his brother, against Darnley's
life, could not have escaped his penetration or
notice when present at their quarrel; and if he
considered the queen, from her conduct when
apprized of her husband's danger, as accessory to
the conspiracy, he must have acted precisely as
he did in retiring from court. When he per-
ceived the tendency of her affection for Both-
well, and their approaching marriage, if he
consulted his own safety, he would solicit per-
mission to quit the kingdom, nor would the
queen, on account of his opposition to her for-
mer nuptials, refuse his request. She required
him however to pass into France, where he re-
mained till almost intercepted as an hostage by
her friends²⁴. His departure previous to Both-
well's trial, is no proof therefore that he procured
an acquittal which he was unable to prevent, but
that he disapproved, and refused to sanction, an
acquittal procured by the queen's collusion. Be-
fore this period she must have received an answer
from Archbishop Beton, her ambassador at Paris.

²⁴ Keith, Pref. 9. Buchanan's Hist. 360. Goodall's MSS.

CHAP. He explains in the most forcible terms, the horror
II.
1567. ^{1567.} and execration which the murder had universally
The queen sufficiently excited in foreign countries ; announces the pre-
admonish-
ed. vailing opinion of men, that she herself was the
principal cause, and that nothing was done with-
out her own consent ; intimates even his own
suspicions, that since she was preserved by Provi-
dence, according to her own declaration, to take
a rigorous vengeance, he must conclude, unless
such vengeance were actually taken, that it would
be better far, in this world, that she had lost life
and all ; informs her that the great virtue, mag-
nanimity, and prudence with which she was endued,
should be exerted now, to redeem from ob-
loquy, the reputation which she had already ac-
quired ; and exhorts her to do such justice as
might attest her innocence for ever to the world,
and vindicate her conduct from the sinister in-
terpretations and reproaches of Europe, which it
were *ow'r odious* for him to rehearse²⁵. Lennox,
despairing of justice, had applied to Elizabeth,
who wrote to Mary in haste on the 8th, to defer
the trial beyond the 12th of April, at the request

²⁵ Keith, Pref. 9. The archbishop's former letter, January 27th, was received on the 11th of February, in fifteen days. The present letter, in answer to the queen's letters of the 11th and 15th of February, as it is dated March the 9th, arrived in all probability before the council on the 28th of that month, and certainly before Bothwell's trial on the 12th of April.

of the father and the friends of her deceased husband, who were well assured of a combination among the guilty to accomplish by force what could never be done by law. She exhorted Mary, for the consolation of the innocent, to grant their request, which, if denied, would subject her to the worst suspicions ; and besought her earnestly, in a case which touched her so nearly, to use such sincerity and prudence, that the whole world might pronounce her guiltless of a crime so enormous as to blot her, if culpable, out of the rank of princes, and expose her, not without reason, to the opprobrium of the vulgar ;

“ than which I would wish you an honourable
 “ sepulchre, much rather than a contaminated
 “ life : And since you may see that I treat you as
 “ my daughter, which you have often desired,
 “ may God incline you to do what may redound
 “ most to your own honour, and the consolation
 “ of your friends ²⁶.” When deterred from ap-

CHAP.
 II.
 1567.

²⁶ Robertson, ii. 437. We cannot suppose that Elizabeth would write in haste, on Tuesday the 8th, to prevent the trial on Saturday the 12th, if the letter could not arrive in sufficient time on the fifth day. Melvil, on the birth of James, left Edinburgh at noon, reached Berwick that night, and arrived on the fourth day at London, in sufficient time for Cecil to communicate the intelligence personally to Elizabeth, at Greenwich, that same night. Melvil, 69. Middlemore, travelling more at leisure, left London on Wednesday at four in the afternoon, and arrived at Carlisle, where Mary was, at the same hour on Saturday. Anderson, iv. 80.

CHAP. II.
1567.

pearing, alone and unsupported, against a potent adversary who commanded the court, the town, and the castle, Lennox himself, in a letter from Stirling, April 11, conjured her again, as she regarded her own honour and the justicc of the cause, to banish from her presence and to commit to sure custody, the persons named in his former letter; required her to adjourn the trial that he might have time sufficient to convene his friends, and to search for evidence; admonished the queen, that the suspected persons "being still at liberty, " "great at court, and about her majesties person," unless the day were deferred, no just trial could be taken; and finally, demanded a warrant to apprehend those who were present at the murder²⁷. It is in vain to allege that there was no time to adjourn the trial; or that the queen was not accessory to Bothwell's acquittal. In opposition to the urgent remonstrances of Beton, Elizabeth and Lennox, not to spare the murderers, nor by a collusive acquittal to connive at their escape; she acted in evident concert with Bothwell, when accused of the murder; admitted the man, whom she must have herself suspected, to her confidence and councils, and invested him, previously to his trial, with the most exorbitant power. In every measure preparatory to his acquittal, she was guided by his influence;

Grants a
collusive
trial.

²⁷ Anderson, i. 52.

even her promise to Lennox in her last evasive letter was violated; and Bothwell's trial, instead of being reserved for a convention of the nobles, was hurried on, by a privy council at which he assisted, in her presence, before the parliament met in the approaching week.

CHAP.
II.
1567.

6. The trial took place on Saturday April 12th, ^{Morton's concern in the trial examined. April 12.} and Bothwell, who had returned on Thursday, with the queen from Seton, appeared with armed retainers, and a band of hired soldiers, who paraded the streets with their ensigns displayed²⁸. The fact is now universally believed, that Morton conducted the whole trial, and appeared at the bar with Bothwell; but an examination of this circumstance only serves to illustrate the progress of historical falsehood. In the instructions from the lords and abbots of Mary's party, her commissioners in England are directed to plead, in answer to the marriage, "that most part of the nobility, and principally of the usurpers, *Morton, Semple, and Lindsay*, gave their consent to the Earl Bothwell, and to remove all suspicion, had declared him innocent by a public assize, ratified in parliament by the three estates." But the queen herself, in her instructions to her commissioners, and in their reply to Murray, during the conferences at York, maintains only, that Bothwell had received his acquittal from an assize of

²⁸ Anderson, ii. 157. Keith, 405.

CHAP. II.
 1567. his peers, confirmed in parliament by the nobility present, her opponents and others ; and her answer to the accusation at Westminster, that she prevented the investigation and punishment of the murder to which she was accessory, refers to her former reply at York²⁹. Amidst the artful fictions with which the simple fact of the bond is invested, no intimation was then given of Morton's activity, or even presence at the trial, or of the concern of his associates in the acquittal of Bothwell. Two years afterwards, in a pamphlet published under a fictitious name, Lesly resorts to the former instructions of the lords and abbots, and asserts explicitly what he was afraid even to hint obscurely when confronted at the conference with Morton and Lindsay ; " that Morton, Semple, Lindsay, and their adherents, especially procured, and with all diligence laboured his purgation and acquittal, which the three estates confirmed afterwards by act of parliament³⁰."

²⁹ Goodall, ii. 163. 207-85. 342-61.

³⁰ Anderson, i. 26. That Bothwell's acquittal was ratified by the estates in parliament, is a gross fiction, which may enable us to estimate the credit due to the instructions and Lesly's defence, to which Mary's apologists perpetually appeal. The lords and abbots of her party were conscious to a man, that his acquittal was neither ratified nor introduced in parliament ; but in representing the midnight bond, to be explained in the next paragraph, as a legislative act of the estates in parliament, they subscribe to a conscious falsehood, dictated by Lesly, because it was convenient for their party to do so.

An additional fact, unknown to Lesly in Scotland, was brought forward in France (1572) by the anonymous author of *L' Innocence de Marie*, that Morton accompanied Bothwell before the judges. Blackwood scrupled not to intimate, in (1587) that Morton himself was one of Bothwell's judges; and in *Maria Innocens*, published abroad (1588) under a fictitious name, Turner, a Scottish priest and professor at Ingolstadt, affirms without hesitation, that Morton actually pleaded the cause of Bothwell³¹. This last assertion is,

This circumstance explains sufficiently Argyle's and Rothes's attestation of Lesly's interpretation of the Raid of Beith, and the protestation concerning the conference at Craigmiller, which Argyle and Huntley were desired to sign. When such a direct and wilful falsehood is asserted uniformly by a whole party, no reliance can be placed on a single fact in their instructions or protestations; much less on Lesly's veracity, who perseveres in the fiction, but forgets, in the accusation of Morton, Semple and Lindsay, his own share in the privy council that directed the acquittal of Bothwell. In fact, the accusation of Morton and his associates must be rejected, when combined with such a wilful perversion of truth.

³¹ Jebb, i. 403-63. ii. 216. That Murray's mother, the Lady Lochleven, to whose care Mary was committed in Lochleven Castle, pretended to have been married to James V. depends entirely on the same authorities, and is obviously framed to insinuate Murray's secret designs on the crown. Jebb, i. 404-65. As a confirmation of the fact Turner adds, that Murray's mother dreamt at his birth, that she was delivered of a serpent and a lion that fought together, and

CHAP. with some modifications, preferred by Camden,
 II.
 1567. that Bothwell's cause was sustained or conducted
 by Morton; and the fictions of an anonymous
 French writer, and a Scottish refugee, are ea-
 gerly snatched at by modern apologists, as his-
 torical facts³². But the real authors of Both-
 well's acquittal are easily ascertained. Argyle,
 justice general, and Caithness, chancellor, or
 foreman of the jury, sat, with Bothwell, Lesly,
 and Lethington, in the privy council that ap-
 pointed the trial. That Pitcairn, commendator
 of Dunfermline, Lord Lindsay, Macgill, and Bal-
 neaves, sat as assessors to the justice general, is
 another convenient assertion, for which there is
 no proof³³. Three of the jury, Herreis, Boyd,

and although the serpent prevailed at first, the lion at last
 was victorious. From this dream he terms Murray a ser-
 pent; and Blackwood (Id. ii. 196.) infers, that the lion was
 Scotland, whom he oppressed for a time.

³² Mortonio causam ejus sustinente. Camden, 117. Keith,
 376. Tyler, ii. 101. Stuart, i. 207. Whitaker, i. 302.
 This last writer creates some additional facts by inference,
 that it was Morton who introduced the flaw into the indict-
 ment, and provided the armed men to attend Bothwell and
 himself to the place of trial, &c. *Ibid.*

³³ Keith, 375. A fact unknown to Lesly and to every
 writer, till advanced without authority by Keith, should
 have excited the suspicion of those later authors quoted in the
 preceding note, who transcribe the assertion without inquir-
 ing into its truth. Assessors are mentioned, but their names
 are not inserted in Bothwell's trial, to the authenticated
 copy of which, in the Paper-office, Keith had no more ac-

Bothwell
 acquitted
 by the
 Queen's
 friends.

and Gordon of Lochinvar, were selected as Mary's commissioners in England; Rothes, Casilis, Ross and others, subscribed the bonds for her release, or defence on her escape from Lochleven; and of the fifteen jurors, Semple alone adhered afterwards to Murray³⁴. The trial was

The trial
conducted,

cess than myself. But Keith's authority is easily discovered. Blackwood informs us that Morton, "la faction de Mourray, qui depuis ont poursuivu sa majesté de cet acte detestable, sont connais à l'instruction & jugement de son procès;" which he explains on the margin, "Morton et Mourray ses juges." Jebb, ii. 216. From this hint, that the judges were of Murray's faction, who afterwards accused Mary of the crime, Keith supplied the omission of the assessors names, from the list of the commissioners and assistants, her accusers in England. He knew that neither Murray, Morton nor Lethington, nor the bishop of Orkney, nor Buchanan, nor the Laird of Lochleven, sat on Bothwell's trial; and concluded by a convenient inference, that the remaining commissioners, Lindsey, Pitcairn, Balneaves and Macgill, two lords of session, were the judges or assessors, to whom Blackwood alludes. But he durst not quote Blackwood's authority for such an assertion.

³⁴ Lord John Hamilton, commendator of Aberbrothick, signed the bond at Dunbarton for the queen's release (Keith, 436.); and of the remaining jurymen, the master of Forbes does not afterwards appear: the Lairds of Langton, Cambuskenneth and Barnbugle, signed the bond for supporting the king's authority (Anderson, ii. 231); but on the queen's escape from Lochleven, they hastened with Ogilvie of Boyne, the last jurymen, to subscribe the bond for her defence. Keith, 475. 'Lord Caithness' eldest son was married to Bothwell's sister, and Seton, Sinclair, and Huntley, were

CHAP. directed or conducted therefore by Argyle, and
II. Caithness, Lesly and his coadjutors at the con-
1567. ferences in England; nor is a vague imputation
published by Lesly two years afterwards, under
a fictitious name, sufficient to transfer the acquit-
tal of Bothwell, from himself and his coadjutors,

connected with the family by former intermarriages. Douglas's Peerage.

On comparing the two bonds in Anderson and Keith, it appears that many, in compliance with the ruling party, signed the bond in 1567, who subscribed afterwards, the bond in 1568, for the queen's defence. Among others, Michael Lord Carlisle, signs the former, "with the Notary's hand at the pen;" whereas the latter is signed, according to Douglas's Peerage, by James Lord Carlisle his elder brother, to whom he had not succeeded then. This circumstance has furnished Whitaker with a notable detection, that the signatures to the bond for the king's support are mostly forged. He knew not what little reliance can be placed on Douglas's and George Crawford's Peerages, whose genealogies are supported by proofs and MSS. that are often fictitious. The bond for the queen's defence, to a copy of which, in the advocate's library, Douglas refers, is merely signed Carleil, which Douglas mistook for James's, instead of Michael's signature, from a blunder in Crawford's Peerage, who quotes a charter to Michael, the brother and heir of James, in 1529, which, on searching the records, has no existence. Such is the only proof of the existence of James, the elder brother of Michael Lord Carlyle; and on such visionary authorities do those writers accuse the most public instruments and records of forgery. Whitaker, iii. 58. 579. See a paper by Lord Hailes in the Edinburgh Magazine for November, 1787, p. 359.

to Morton and his friends. The crown lawyers ^{CHAP.}
 disclaimed, in effect, all share in the prosecution, ^{II.}
 except their concurrence. No evidence whatso-
 ever was produced. On the contrary, Lennox
 was cited as private accuser, to support the charge,
 when Cunningham, a young man of his house-
 hold, appearing unexpectedly, excused his ab-
 sence till his friends could be collected to protect
 his person ; required the trial to be adjourned to
 procure support against the greatness of his ad-
 versary, and protested for an assize of wilful
 error if the murderers should be absolved. The
 demand was overruled, and the jury acquitted
 Bothwell of all share in the murder ; but their
 foreman was instructed to protest, in opposition
 to Cunningham, that as no evidence was produced
 to justify a different verdict, they were not liable
 for wilful error³⁵. From these circumstances it and Both-
 well appears, that the trial was directed by Bothwell ac-
 quitted by the queen's friends.
 himself, and that his acquittal was managed and
 pronounced by the friends of the queen. But whe-
 ther conducted by Morton or not, it is also evi-
 dent, that from a collusive trial, directed by Both-
 well, with an armed force to suppress the evi-
 dence, and prevent the appearance of the accuser,
 the queen could never have conceived that he was
 innocent, when, in the opinion of the whole na-
 tion, as well as of impartial posterity, the cir-

³⁵ Anderson, ii. 107.

CHAP.
II.
1567.

circumstances of his acquittal, served only to establish the reality of his guilt. The plain, and the only sound conclusion is, that in consequence of the remonstrances from France and England, Mary sought in the trial for such a decent pretext to her friends abroad, rather than to her subjects at home, as might justify her intended marriage with Bothwell: that he was accused indeed by public report, but acquitted by a judicial sentence of all concern in the murder of her late husband.

Parliament,
April 14.

7. The acquittal was no sooner pronounced, than Bothwell posted up a public challenge, offering as a vindication of his innocence, to fight hand to hand, with any person of good reputation, who should dare to maintain that he was guilty of the murder; but the challenge occasioned another placard, in which the charge was renewed. As if his innocence, however, were now incontestible, he was appointed on Monday, the second day after his trial, to carry the crown and sceptre, a mark of distinguished favour, at the opening of parliament. The commissioners for its opening, and the lords of articles were selected from the queen's friends; and if Morton's name appears in the articles, we at the same time discover the abbots of Kiliwinning and Aberbrothick, Lesly and Herreis, Bothwell and Argyle. There was no investigation attempted, nor the least notice taken of the king's murder; but a severe act was passed

against the placards, that whosoever first discovered and neglected to suppress them, should suffer the same capital or *arbitrary* punishment with the authors themselves³⁶. The surrender of Edinburgh-castle, the custody of which the estates had formerly conferred on Mar, was confirmed in parliament ; and as some kind of retribution to Bothwell for his past services, dangers, and losses, which are highly magnified, the grants and offices which he derived from the queen, were approved and ratified in the most ample terms. Murray's earldom was also ratified, according to Mary's promise before his departure ; and among others, five of the jurors who acquitted Bothwell, obtained confirmations of their respective grants from the crown³⁷. But an act intended to conciliate the protestant interest and support, demonstrates the transcendent influence of a man who could procure for the reformed religion, that legal confirmation to which Mary hitherto had refused

CHAP.
II.
1567.

³⁶ Taken literally by Balfour, or some civilian, from the edict of Valentinian and Valens *De Famosis Libellis*. C. ix. t. 36.

³⁷ Anderson, i. 113-17. ii. 157. Keith, 378. Crawford's MS. Robertson, ii. 327. Crawford, Rothes, Caithness, Herreis, Semple, Ogilvie of Boyne, obtained ratifications. Records of Parliament. On the 17th of April, the earl of Caithness obtained from Mary, by Bothwell's means, an hereditary grant of the office of justiciary, with power of life and death, over Caithness and Sutherland, as the reward of his concern in the murder of Darnley. Sir Robert Gordon of Gordonstoun Hist. of the Sutherland Family, MS.

DISSERTATION ON

CHAP. ^{II.} her assent ³⁸. The attainer of Huntley, and of his friends, was at last reversed. But as Huntley had already consented to Bothwell's divorce from his sister, and marriage with the queen, the inference, that such consent was the consideration for which he was restored to his paternal estate and honours, can admit of no dispute. The queen's intended marriage with Bothwell had been early reported through both kingdoms; and Lord Herreis, it is said, had repaired to court, well accompanied for his own preservation, and had conjured the queen not to listen to a dishonourable alliance, equally dangerous to her own fame and to the safety of her son. It appears, however, that this nobleman was afterwards gained, by an extensive grant, to promote the trial, the acquittal, and the marriage; but Melvil had communicated a letter from England, to dissuade the queen from a disgraceful marriage with the reputed murderer of her former husband; all which she imparted instantly to Bothwell, from whose sanguinary fury Melvil was only preserved by flight ³⁹. The confirmation of Bothwell's acquittal

³⁸ See Lord Hailes' Remarks on the History of Scotland, 155; and Robertson, i. 425, note.

³⁹ Melvil, 78. Lord Herreis's lands, of Terreigles, had been converted, in the late parliament, from ward and relief, into a blanch tenure, the importance of which, will be understood by those the least conversant in the laws of Scotland. Records of Parliament, MS.

and innocence, and the consent of the estates to his marriage with the queen, which it was difficult, though desirable, to procure in parliament, were accomplished by stratagem. When the parliament rose on Saturday, the nobility were invited to sup with Bothwell, and at a late hour of intemperate festivity, the marriage was proposed by himself, and supported by such persons as were privy to the design. The assent and signatures of the nobility present, were demanded to a bond attesting his innocence of the king's murder, recommending him as a suitable husband to the queen, and engaging to support the marriage, if acceptable to her, with their united forces, their fortunes and their lives. We are told that the tavern was filled and surrounded with armed men; and that the queen's permission, upon being required, was produced as a warrant to sign the bond, which, on every hypothesis, must have been procured from the nobility, on some assurance they had received, or some persuasion which they entertained, of her previous assent. The example of Huntley, the chancellor, was followed by Argyle, Caithness, Rothes, Morton, Cas-siles, Boyd and Herreis, by the popish and protestant lords present, who indiscriminately subscribed. The bond was signed and attested on the next day by eight prelates, among whom were Hamilton the primate, and the bishop of Ross⁴⁰;

⁴⁰ Anderson, i. 177. Keith, 382. Goodall, ii. 141. Two copies of the bond are preserved; the one communicated by

CHAP.
II.
1567.

April 19.

CHAP. and it appears, that at this period an answer to
II. the former letter from Elizabeth, before the trial,
1567. was returned by Mary; "that Bothwell was

Reid, Buchanan's amanuensis, privately to Cecil, "with the names of such of the nobility who subscribe the bond, as he might remember;" the other in the Scotch College at Paris, a copy attested by Sir James Balfour, from the original in his custody, and transmitted to Mary, in 1580-1. As Murray, the first in Reid's list, had left the country ten days before the bond, Keith and Anderson justly observe, that Reid's memory might have been equally inaccurate in other names. Whitaker, who prefers his list from memory, to Balfour's attested copy from the original, supposes that Murray signed the bond as an example to his adherents, before he left the country; but that his name was afterwards suppressed by Balfour. Whitaker, ii. 357. That Murray did not subscribe the bond, is certain from the silence of Mary and her commissioners, Lesly, Boyd and Herreis, at York and Westminster, who must have observed, and remembered his name, as the first signature, when the bond was shewn to her, or when they subscribed it themselves. Ten years after Murray's death, Balfour, previous to Morton's execution, could have no inducement to suppress, but to insert his name in transmitting a copy of the bond to Mary. In Balfour's copy, the subscribers are, the archbishop of St. Andrews, the bishops of Aberdeen, Galloway, Dumblane, Brechin, Ross, Orkney, and the Isles, who, with the bishop of Dunkeld, were the only prelates present in parliament; the earls of Huntley, Argyle, Morton, Cassillis, Sutherland, Errol, Crawford, Caithness, Rothes; the lords Boyd, Glammis, Ruthven, Semple, Herreis, Ogilvie, and Fleming, all of whom are marked as present in the rolls of parliament. Reid's list from memory, omits the bishops, and Errol, Crawford, Glammis, Ruthven, and Fleming, and adds, Glencairn, Seton, Sinclair, Oliphant, Ross, Carlyle, Hume, Innermeith, none of whom

“ acquitted by the laws and the sensament of par-
 liament, and had further offered to assert his
 “ innocence by single combat, as a nobleman
 “ ought^{41.}” From the reports circulated in both

CHAP.
 II.
 1567.

were present in parliament but Ross and Seton. Balfour's copy is also dated the 20th, instead of the 19th, as the bond was signed at midnight, after supper ; and, as a farther confirmation, we learn from Buchanan, that the subscription of the bishops, was obtained on Sunday, when the date was probably added to the bond.

⁴¹ Anderson, i. 100. The letter is preserved only in her instructions to Melvil ; but its date must be ascertained. “ It is trew, that scho wrate to us, and we send her answer agane, the copy quharoff we have deliveritt you heirwith.—In effect it is this, that seing he wes acquite be oure lawes, and be sensament of parlement, and had further offerit him reddie to do all thing for triall of his innocency, that ony nobillman in honour aucht, we thocht the former calumpny and accusatioun — — — — and that we mycht weil aneuch tak him to husband.” Anderson, i. 106. This last clause is evidently no part of the letter, but the queen's conclusion to Melvil, that she might weil eneuch tak him to husband ; 1. because she instructs Melvil to excuse the sudden consummation of her marriage, “ not makand her deirest sister advertisement, nor askand her advyss and counsall tharein ;” a proof that the letter was not written then : 2. because we cannot suppose that Elizabeth's messenger was dismissed without an answer, much less that the answer to her letter of the 8th of April, was delayed till the 15th of May. As it was certainly not written at Stirling or Dunbar, the acquittal of Bothwell by the laws and sensament of parliament, fixes its date indisputably on Sunday, April 20th, when the bond, signed by the nobility and bishops, could be urged as a confirmation of his acquittal in parliament, but before it could be mentioned as the consent and request of the estates for his marriage with the queen.

CHAP. II. 1567. kingdoms, and from the distinguished honours conferred on Bothwell, the marriage was certainly not unlooked for ; and the assent of Huntley to the bond, was sufficient of itself to assure the nobility of his previous acquiescence in the divorce of his sister. But without the queen's approbation and authority, such an obligation could never have been obtained from men of the most opposite parties, some of whom were afterwards her most faithful adherents, and others again her most violent opponents. She could not be ignorant that the proper business of parliament was the investigation of the king's murder, which however had not been once mentioned ; but, on the contrary, that the act against placards was purposely framed to suppress all evidence whatsoever against the perpetrator of the crime. She must have perceived, that the acts were calculated to aggrandize the only person of eminence suspected of the murder ; and it is impossible to ascribe to Morton, or to Murray's adherents, a bond subscribed by her friends, the popish nobility and the bishops, whose interest would have led them to oppose a marriage with a protestant lord. An engagement framed at table, in a public tavern, had it been even transacted without her concurrence, could not have escaped her observation on the next day : the report must have spread through the city, more especially upon Sunday ; and Herreis, Boyd, and Lesly in parti-

cular, must have informed their mistress of the whole transaction. But her answer to Elizabeth, "that Bothwell was acquitted by the laws, and "the sensament of parliament," affords a convincing proof of her knowledge of the bond, the only substitute obtained for the sense of parliament; and as the distinguished favour, command, and influence with which Bothwell was invested, had already sufficiently indicated the man of her choice, we must conclude, that an obligation from the nobility and popish bishops, to support his marriage, could not have been obtained without her approbation and previous consent.

CHAP.
III.
1567.

8. The queen went to Stirling next day, to visit her son: on Wednesday she returned to Linlithgow; and from these two places her four last letters to Bothwell were written. On the same day that she returned from Stirling, Bothwell, who had remained behind, to collect his retainers, left Edinburgh under the pretext of an expedition to Liddesdale, and advanced to Flatton with a thousand horse. It were difficult to conceive that he could remain all night, accompanied by such a numerous party, within eight miles of Linlithgow, unknown to the queen, whose suspicions his recent conduct was sufficient to excite; but every circumstance conspires to demonstrate, that she was conscious of his designs. He met her on Thursday morning at Cramond-bridge⁴², and

⁴² As each inch of ground is disputed in this controversy, it is necessary to ascertain the precise place where the queen

DISSERTATION ON

CHAP. II. while his attendants secured Huntley, Melvil, and Lethington, he seized her bridle, and conducted her without the least opposition to Dunbar. Such an outrage, as we may conclude, from her general character, and from her conduct at the assassination of Rizio, must, if real, have excited her loudest indignation; but Melvil was assured by one of Bothwell's seizure of the queen's person, April 24. 1567.

was seized. It is fixed by Buchanan, *ad Almonis pontem*, by Birrell's Diary, *at the bridge of Craumond*, by Melvil, who was present, "on her back-coming between Linlithgow and Edinburgh," and by a remission to some of Bothwell's attendants, *proditorii raptus S. D. N. Regine ipsa proficissenti iter suum a burgo de Linlithgow, ad burgum de Edinburgh*, 10 May, 1567. Privy Seal Record B. 36, f. 97. Keith, (382) and Whitaker, however, have transferred the place from the Almond to the Avon, west of Linlithgow, and the latter creates a village at Almond-house (built by Lord Almond), to give its name to Linlithgow-bridge. When admonished in the Monthly Review, that the bridge was at Craumond, and that Halton was Hatton on a branch of the same river, he converts *Halton*, by some ridiculous etymologies concerning Pengualton, into *Walton*, a farm-house two miles north-east of Linlithgow; that Bothwell remaining all night at Walton, might surprise the queen, without her connivance, on the same day that she returned from Stirling, at Linlithgow-bridge, before she entered the town. Whitaker, iii. 408. 26. The object of all this artifice is to discredit Murray's Diary, and the second series of letters, of which the last is from Linlithgow. But if ignorant that the Duke of Lauderdale's brother, who married the descendant and heiress of Lauder, then laird of Hatton, was uniformly styled Lord Halton, in every record of the last century, while a lord of session, Whitaker should have known, from Keith's Catalogue of Scottish Bishops, that Hatton and Halton are the same place.

Well's officers, that nothing had been done without her own consent. Birrell's Diary informs us that
 " at thebridge of Craumont, the Earl of Bothwell,
 " being well accompanied, raveshitt the queen,
 " and so took her that same night to the Castell
 " of Dunbar, not against her awen will." Craw-
 ford's MS. is still more explicit. "Then Both-
 " well thinking thair was na contraversie againis
 " him in Scotland, conveinit the number of
 " aucht hundreche horsemen, and as the queen
 " was cumand from the castell of Striveling, to
 " have returned to Edinburgh, he met her in
 " the way; And convoyit hir per force as appeirit
 " to the castell of Dunbar, to the end he might
 " enjoy hir as his lawful spos. And in the mean
 " tyme causit divorcement to be led, and separa-
 " tion proceed betwix him and his awen mariet
 " lawful wyfe, the Lady Jean Gordoun, than
 " sister to George Earl of Huntlie. The friendly
 " liufe was so hieghlie contractit betwix this
 " great princes toward her enorme subject, that
 " thair was na end thairof; for it was con-
 " stantly esteemit of all man that either of them
 " loued uther carnally: sa that shoe sufferit hir-
 " self patiently to be led quhair the lover list.
 " And all the way nather made obstacle, impe-
 " diment, clamour, nor resistance, as in sic acci-
 " dents used to be, or that shoe might have done
 " be hir princely auctoritie, being accompanyt
 " with the noble Earl of Huntlie, and secretar

DISSERTATION ON

CHAP. II. 1567. " Maitland of Lethingtoun⁴³." If displeased, she must have expressed some resentment at least, to Lethington ; and Melvil, whom she had employed to raise the citizens on the murder of Rizio, must, upon his release next day, have received some intimation to solicit aid for her relief. But it appears that she had already visited Dunbar on the 2d, and one object of the seizure was soon explained, the vindication of her precipitate marriage to foreign courts. The first precept of *partisanship* in Bothwell's divorce, was granted on Saturday, the second day after the seizure, by the commissaries of Edinburgh, on the procuratory formerly obtained from his wife, in whose name the divorce was instituted, and according to the forms of the commissary court, the precept is merely a warrant for the citation of witnesses, for which the application must have been made that day, on a summons issued undoubtedly before the seizure⁴⁴. Next day the consistorial jurisdiction,

April 27.

and divorce
from his
wife,

April 26.

⁴³ " Because Charles," says Whitaker, in answer to this quotation by Robertson, " did not engage in a personal contest with his executioners on the scaffold, he must be concluded to have been accessory to his own death," iii. 112. 458. Perhaps the same dignified reason prevented Mary from resisting the actual commission of the pretended rape.

⁴⁴ The form then in the commissary court, was to summon the defendant against a day prefixed, and on the first term, or *diet of compearance*, whether he appeared or not, the judge appointed a second term, and granted a precept, if necessary, for the citation of witnesses. The summons of divorce must

to which the archbishop of St. Andrew's had been restored by her signature, after the baptism, was exerted for the first time, by a commission which he granted to determine a process already commenced by Bothwell against his wife, to annul their marriage, as contracted within the prohibited degrees of blood⁴⁵. The two suits were instituted therefore, before the seizure, in different courts, to satisfy the protestants as well as papists, that the queen's marriage with Bothwell was strictly legal. In the protestant, or commissary court, the first appearance of counsel was on Tuesday the 29th, when some witnesses were examined; the second on Thursday, May 1, and a divorce for Bothwell's adultery with his wife's maid was pronounced on Saturday the 3d, within eight days after the litigation had commenced. A privy council had been held at Dumbarton, April 29, and the queen's order for provisions to the household, superseding a former injunction at Seton as inexpedient, refutes the idea of any per-

April 29.
May 1.
have been raised before Saturday, the first term or *diet of appearance*, when the precept was issued; and it is extremely probable, that a blank summons, according to the practice then, was raised so early as the 5th of April. Sir James Balfour's *Practices*, 656-7.

⁴⁵ Robertson, ii. 438. Murray's *Diary*, Appendix. From Anderson's MS. copy of Bothwell's divorce, it appears that the commission was granted *by*, not *to*, the archbishop, as erroneously printed in Robertson's Appendix.

CHAP.
II.
1567.

DISSERTATION ON

CHAP. sonal constraint⁴⁶. "They had scarcely remainit,"
 11. according to Crawford's MS. "be the space of ten
 1567. " days in the castell of Dunbar, and na great dis-
 tance being betwix the queen's chalmer and
 Bothwellis, quhan they thought it expedient to
 cum to Edinburgh-castell, and be the way to
 shaw hirself to the people, that Bothwell was
 ready to put hir to libertie againe, according
 to the dewtie of an obedient subject. Bot at
 the streit entry of the town, that leads to the
 castell, he maid semblance to lead hir bryde,
 and sensibell people interpret the same as
 though he convoyit hir majestie as his captive
 to a castle quherin a substitute of his was, callit
 Sir James Balfour." They returned to Edinburgh on Saturday the 3d, the day that sentence of divorce was pronounced by the commissioners. On the same day the archbishop's commission was presented by Bothwell's procurator to two of the commissioners, and the second precept of *partising*, for the citation of the party and witnesses, was issued by a consistorial court erected for the express purpose of pronouncing the divorce. On Monday and Tuesday, the 5th and 6th, the same counsel appeared as in the protestant court, and the marriage was annulled on the 7th, as contracted without a dispensation, within the prohibited degrees of blood⁴⁷. When a divorce for

Returns
with the
queen to
Edinburgh,
May 3.

⁴⁶ See Appendix, No. VIII.

⁴⁷ Robertson, ii. 438.

adultery was commenced, by Lady Bothwell, a papist, before a protestant court, and another for consanguinity, by Bothwell, a protestant, before a popish tribunal created for the occasion, nothing can be more absurd than to maintain that there was no collusion between them, because the wife could have no interest to conspire against herself⁴⁸. After the king's murder, she must have known and felt that her life would be no obstacle to the queen's marriage if she were to refuse her consent and proxy to institute a divorce in her own name. But the Hamiltons had no connexion, like Huntley, with Bothwell, with whom the archbishop at least had no interest to co-operate. The bond for Bothwell's marriage had been signed by the prelate himself, and his suffragans, as he conceived with the queen's approbation. Had he believed, however, that the succeeding seizure of her person was real, or rather had he not understood, and actually known the fact, that it was altogether fictitious, he never would have issued as the first act of his revived jurisdiction, a commission to determine Bothwell's divorce during

⁴⁸ Whitaker, iii. 350. "It appeareth," says Calderwood, "that this process was led before the parliament time, and that she was moved to pursue for divorce, not only for fear of her life, but also, as the manuscript which I have seen relateth, that the restitution of her brother to his father's lands at the parliament might not be hindered." Calderw. ii. 43. MS.

CHAP. II. the suspension of justice, for the avowed purpose of his marriage with the queen. When the bond for Bothwell's marriage with Mary was subscribed by the nobility, the divorce from his wife was sufficiently understood; and the archbishop who had signed the one, as he believed, with the queen's approbation, must have issued his commission for the other, three days after the seizure, with her express consent. The revival of his jurisdiction at the baptism, was subservient therefore to Bothwell's divorce, for which alone it was exerted; and we must conclude that the journey to Stirling was collusive, that the seizure itself was a fictitious rape, and that the archbishop was well assured of the queen's approbation, and intended marriage, before he granted a commission for the divorce.

The queen's marriage with Bothwell.

May 12.

9. A privy council, consisting of Huntley and the bishops of Orkney and Galloway (Huntley's uncle), Balfour, clerk register, and Bellenden, justice clerk, was held on the 6th, and another on the 8th⁴⁹. The bans were reluctantly published, by the queen's order, on Friday and Sunday, by Craig a minister, in terms however of such strong reprobation, that she appeared in the court of session on Monday the 12th, in presence of Huntley the chancellor, Hamilton the primate, the bishops of Galloway, Orkney, Ross and Dum-

blane, the Earls of Cassilis and Caithness, Lord John Hamilton abbot of Aberbrothick, Gavin Hamilton abbot of Kilwinning, the Lords Boyd and Seton⁵⁰, whose names are sufficient to intimate by what party the marriage was promoted at court. Having again authorized the administration of justice which had been suspended by her seizure, she declared that although *commoved* at first against the Earl of Bothwell, yet from his good behaviour towards her, from her knowledge of his past and for a reward of his future services, she freely forgave him for the imprisonment of her person, and being now at full liberty, she intended to promote him to further honours; of all which his counsel demanded instruments of protest. The pardon which the queen pronounced was never registered, if it passed the seals; but another object of the seizure was now discovered, that under the pretext of having detained her person, he should receive a pardon for treason *and all other crimes whatsoever*, in which the murder of the king was virtually con-

CHAP.
11.
1567.

⁵⁰ Here, and on other occasions, I do not enumerate the subordinate officers of state, whose attendance was merely official, and whose adherence afterwards to Murray, who continued those whom he found in office, is no proof that they were his adherents then. They submitted to Bothwell's administration as they did to his, to preserve their places, from a convenient maxim, that the government which is uppermost is always best.

CHAP. II. 1567. tained⁵¹. That no apparent disparagement might be incurred from the marriage, Bothwell was created Duke of Orkney, and invested with the jurisdiction and the crown-rents, of a county, without which, as she stated afterwards in her testament, the royal household could not well be supported⁵². Her marriage contract with this potent prince, May 14. as he is now denominated, was signed on the 14th, and attested by the chancellor and subordinate officers of state, the archbishop of St. Andrew's, and the Earls of Crawford and Rothes, the bishops of Ross and Galloway, the Lords Fleming and Herreis, all of whom were the queen's friends.

⁵¹ Anderson, i. 87. ii. 279. iv. 61. Bothwell's motive is denied by Whitaker, as his pardon never passed the great seal, or, to speak more accurately, was never recorded, iii. 114. Neither was his patent as Duke of Orkney; but the queen's declaration contains an express remission, and it is in vain to deny the motive, because the pardon, like the patent, if it passed the seals, from his profound security, and sudden reverse of fortune, was not presented for registration. Porteous, Melrose, Sinclair and others his attendants, obtained a remission on the 10th, under the privy seal, *pro arte et parte cum Jacobo comite de Bothwell, &c.* *proditorii raptus nobilissimæ personæ S. D. N. reginæ, &c.* nor would Bothwell be more inattentive to himself. Such is the *crimen raptus* in Scotch, the *ravishing* or forcible *abduction* of her person, described in Bothwell's attainder; *proditoria interceptione, proditoria et violenta incarcratione et detentione, sic nefandum crimen raptus in nobilissimam personam ipsius reginæ committendo*; which is now converted into a positive rape.

⁵² Robertson, ii. 528.

Their former bond for the marriage was produced, to which she annexed an obligation for herself and her successors, never to impute it to them or to their heirs as a crime⁵³. Melvil, whether from design or forgetfulness, represents the nobility as then induced to subscribe the bond, “declaring “ that they judged it was much the queen’s inter- “ rest to marry Bothwell, he having many friends “ in Lothian and on the borders that would cause “ order to be kept;” to which he subjoins an ad- ditional motive, “ and then the queen could not “ but marry him, seeing he had ravished her “ and lain with her against her will⁵⁴.” Such is the first intimation which we receive of an ac- tual rape; but Melvil’s narrative gives us no reason to suppose that the ravishment, as the sei- sure, or *crimen raptus* is styled in Scotch, was without her own consent. It was meant, un- doubtedly, to vindicate a precipitate marriage, without asserting a positive rape; of which nei- ther Mary, in her apology to the French court, nor Lesly in his defence of her honour, gives the least intimation⁵⁵. But Melvil or his editor,

⁵³ Anderson, i. 111. iv. 59. Goodall, ii. 61. 140.

⁵⁴ Melvil, 80. See Appendix, No. IX.

⁵⁵ Lesly’s defence of the marriage is curious, “ that after the murder of her secretary and husband, the queen, fearing some new stir and calamity if she should refuse her nobility’s request; and never to that hour once admonished, either publicly or privately after the earl’s acquittal, that he was

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II.
1567.

DISSERTATION ON

CHAR. ^{11.} having misplaced and misrepresented the bond of the nobility, adds, as an apologetical and more adequate motive for the marriage, what he could not conscientiously assert as an historical fact, that Bothwell had ravished, or carried her forcibly away, and lain with her, ostensibly against her will.

Her marriage was publicly celebrated on the 15th, ^{April 15.} both in the popish and in the protestant form⁵⁶,

guilty of the fact, and suspecting nothing thereof, yielded to that which these crafty, colluding, seditious heads, (Morton, Semple, Ruthven) and the necessity of the times, as to her did seem, did in a manner force her." Anderson, i. 27. Not a word either there, or in his instructions, of the collusive seizure which Lesly was suspected and accused of having devised himself; (Buchanan, Hist. 356.) much less of the pretended rape; and he glides over, or ascribes to her ignorance, to state necessity, and to her adversaries who were not present, a marriage, to each step of which he subscribed and attended himself. Blackwood's and Con's defence is to the same effect, without the least surmise of a rape, but with this additional fiction, that Mary, before she would assent to the marriage, was assured of Lady Bothwell's death (Jebb, ii. 31. 218.), whom she acknowledges, in her apology to Elizabeth, to be still alive. Anderson, i. 106.

⁵⁶ The marriage was publicly celebrated, according to Murray's Diary, "after baith the sorts of kirks, reformed, and unreformed;" and according to the associations of the confederate lords, June 16, 1567, it was "accomplished in baith the fashions," Anderson, i. 136. The fact which they could not mistake, and which, within a month after the marriage, they had no temptation to misrepresent, is contradicted, as usual, by Whitaker, who maintains, on Melvil's authority, that the marriage was confined to the protestant form. Whit.

by Bothwell, the reformed bishop of Orkney; and CHAR.
II. Mary's first care was to vindicate her sudden choice to the French and English courts. Her instructions to the bishop of Dumblane are drawn with the most characteristical and matchless art, to excuse her marriage to the court of France. She magnifies Bothwell's fidelity and good services to her mother and herself, from his early youth; his valour, conduct and enterprize in the wars with England; his strenuous and uniform support of her authority on her return to Scotland; and upon his recall from an honourable exile, the

1567.
Her apolo-
gies to the
French and
English
courts.

iii. 134. Melvil mentions that they were married in the council hall, according to the reformed order, and not in the chapel at the mass, as was the king's marriage. Memoirs, 80. But the improbability that Mary would acquiesce in a protestant marriage, is alone sufficient to refute the assertion. Melvil, writing from memory, in his old age, mentions the protestant marriage, at which alone he was present. But Birrell's Diary informs us, that they were married by the same bishop, in the Chapel Royal, where, as mass was always performed there, the marriage must have been celebrated in the popish form. The reformed bishop was not so scrupulous as to refuse to officiate privately in his former capacity; and Calderwood's information contains a just explanation of the fact. "The bishop of Orkney, at the marriage, made a declaration of the Earl of Bothwell's repentance for his former offensive life, and how that he had joined himself to the kirk, and embraced the reformed religion;" (having formerly temporized) "but this was only to gull the people; for the same day in the morning, they were first married with a mass, as was reported by men of credit." Calderwood, ii. 44. MS.

CHAP. address with which he released her from a recent
II. conspiracy, an important service which she
1567. could never forget. Ascribing his stedfast obe-
dience to a sense of duty, she professes to have
shewn him the more favour, the same however
as to other noblemen attached to her service; but
she adds, that since the decease of her late hus-
band, as the pretensions of Bothwell began to be
higher, she found his proceedings somewhat
strange, till nothing could reward him but the
queen herself: That the whole estates being as-
sembled in parliament, he had obtained a writing
under all their hands, not only to approve, but to
recommend and promote the marriage with their
lives and fortunes; giving them to understand
that it was with her consent: That upon announ-
cing his intentions afar, when her answer was in
no degree correspondent to his desire, he had
resolved to prosecute his good fortune; and on
her return from a visit to her son at Stirling,
had awaited her by the way with a great force,
and led her with all diligence to Dunbar. No
mention is made of any opposition on the road;
but the queen proceeds to state, that being at
Dunbar, she reproached Bothwell with his ingra-
titude, and "albeit we fand his doings rude," (in
the seizure) "yet were his answers and words bot
gentle;" that he was constrained as well by ne-
cessity as love, to carry her to one of her own
houses for the preservation of his life, as there

was no safety from the conspiracies of unknown enemies, unless he were assured of her constant favour, and that other assurance there was none, unless she would condescend to receive him for her husband : That she left it to her friends to judge what cause she had for surprise when he produced the bond ; but that as no one appeared for her relief, she had been compelled to mitigate her displeasure ; and that considering the factious turbulence of a rebellious nation, which would neither submit to a female reign, nor endure a foreign prince for her husband, considering the necessity therefore of a marriage with one of her own subjects, among whom there were none, either for the reputation of their house, or their personal worth, wisdom, valour, or other qualities, to be compared with Bothwell, she had been content to accommodate herself to the consent and wishes expressed by the estates : That by these and other means, when Bothwell had partly extorted, and partly obtained her promise, fearing ever some alterations, he would not wait “ as “ were maist reasonable,” to consult the queen-mother, the king, or her uncle and friends in France ; but “ as by a bravado in the beginning “ he had won the first point,” (her consent to the marriage) “ so ceased he never till by persuasion “ and importunate suit, accompanied not the less “ by force, he has finally driven us to end the

CHAR.
H.
1567.

CHAP. II.
2367. " work begun at sic time and in sic form as might
" best serve his turn ⁵⁷."

Now, the force that accompanied his persuasion and importunate suit; is evidently the same with that which had partly extorted; and partly obtained her promise to receive him for a husband; and instead of implying an intermediate rape; is a mere apology to her friends; for a precipitate marriage without their consent. Her instructions to Robert Melvil, her ambassador in England, contain the same arguments; the factious and frequent conspiracies of her turbulent subjects; which would neither permit her to remain a widow; nor endure a foreign prince for her husband; the consent and request of the whole nobility assembled in parliament, that the Duke of Orkney should be promoted to that honour; and lest her marriage with a man suspected, and even accused of her husband's murder, should appear strange to her sister, she repeats her former answer to Elizabeth's letter, that he was acquitted by the laws and sense of parliament, and had offered every kind of trial that became a nobleman to assert his innocence; if the marriage should appear unlawful, because his first wife was still alive, she observes that his former marriage was dissolved for consanguinity and other determinate causes, by

a regular divorce. "Swa that being bayth free," she concluded that she might "weill aneugh tak " him in marriage;" which, as it was now past and irrevocable, she requests the two courts to excuse if precipitate, and to extend the same friendship to her husband that they professed for herself⁵⁸. From the members present at the privy council, on her return to town, from the nobility and churchmen who attended the court of session on her appearance there, or attested her marriage contract, and obtained her approbation of their former bond, it appears that the marriage had been promoted not by the associates of Morton or Murray, but, by the queen's friends exclusively; the Hamiltons and the adherents of Huntley and Bothwell⁵⁹. From her long and artful apologies

CHAP.
II.
1567.

⁵⁸ Anderson, i. 102.

⁵⁹ On the 16th, the day after the marriage, the archbishop of St. Andrew's and Lord Oliphant were admitted members of the privy council, and Lord Boyd, on the 17th, at which time, Hepburn, parson of Auldhamestocks, who conducted Bothwell's divorce, was appointed master of requests. The members present on the 17th, were Huntley, Crawford, Fleming, Herreis, the archbishop of St. Andrew's, the bishop of Galloway, Boyd, and the parson of Auldhamestocks; on the 19th, Bothwell, Huntley, the archbishop, and Lesly bishop of Ross; on the 22d, and again on the 23d, Bothwell, Huntley, Crawford, the bishops of Ross and Galloway, the secretary, the register and justice clerks, and Chalmers of Ormond, chancellor of Ross. Their names alone demonstrate the party that attended at court to witness the marriage; and the truth of Buchanan's assertion, that almost all

DISSERTATION ON

CHAP.
II.
1567.

to the two courts, exaggerating Bothwell's services before, and his ambitious pretensions since the decease of her husband ; insinuating that he was absolved, and the marriage recommended by the *bail* estates assembled in parliament ; and intimating that although the seizure was rude, the persuasions were gentle, by which he obtained her consent ; the conclusion drawn by Robertson is also evident, not only that her marriage with the person accused of her husband's murder, was in itself unjustifiable, but that she was conscious herself that it could not be justified.

Association
of the nobi-
lity.

10. The remaining facts may be more concisely explained. The queen, on the 28th of May, had summoned her subjects; under the pretext of an expedition to Liddesdale, to attend in arms at Melrose on the 15th of June ; and in consequence of Bothwell's attempts to obtain possession of the young prince, an association was secretly formed for his preservation. It consisted of the earls of Argyle, Athol, Mar, Morton, and Glencairn, the lords Hume, Semple, Sanquhar, Ruthven, Lindsay, and Boyd, the lairds of Tullibardine, Grange, and Lethington, whom Bothwell

but Bothwell's friends and relations had withdrawn to their homes. Hist. lxviii. 357. It is ridiculous now, to consider Murray, Morton, or their associates, as the authors either of the acquittal, or marriage, when it appears that none of them, Semple, one of the jury, excepted, witnessed either, or were present at a single preparatory measure.

had nearly assassinated at court; but the defection of Argyle and Boyd, betrayed their confederacy at Stirling to the queen⁶⁰. A declaration was issued, June 1st, to dispel the general suspicion which the expedition had excited, and to assure her subjects of her tender regard for the safety of her son. Robert Melvil was dispatched as her ambassador to England, on the 6th of June; and leaving Edinburgh on the 7th, she remained at Borthwick castle, while Bothwell passed to Melrose, to arrange the intended expedition against Lord Hume. The expedition for which her subjects were summoned, was undoubtedly meant, as on her former marriage, to defeat the efforts, and to crush the power of the confederate lords, who had foreseen, and were prepared to prevent the design. Early on the 11th, they appeared suddenly before Borthwick castle, from which Bothwell, who had returned thither, fled precipitately to Dunbar on the first notice of their approach⁶¹.

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II.

1567.

7th.

11th.

⁶⁰ Melvil, 82. Crawford's MS. Birrel's Diary. Buchanan's Hist. 361. Knox, B. v. p. 353. Keith, 394.

⁶¹ Our late historians have been mostly misled by Melvil's erroneous information, that Bothwell, on receiving notice of a design to surround and seize him in Holyroodhouse, fled to Borthwick, thence to Dunbar, carrying the queen always along with him. Melvil, 82. That Melvil is frequently erroneous, both in facts and dates, appears among other instances, from his account of Bothwell's wound, and of the queen's journey to Jedburgh, which his editor at least places after the baptism, and misrepresents her sickness as a bruise

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1567.

When convinced of his escape they retreated to Edinburgh, where Huntley and his uncle the bishop of Galloway, Boyd and Lesly, the primate, and the abbot of Kilwinning, having in vain endeavoured to raise the citizens, retired into the castle, and were afterwards permitted to depart by Balfour⁶². At night the queen retired secretly from

received on horseback, which confined her two days to Hume castle. But Argyle's or Boyd's intimation of the association, was evidently received in the interval between the two proclamations of the 28th of May, and the 1st of June, after which Bothwell remained at Edinburgh till the 7th. From different letters; Mary to Throckmorton, (Mathew Crawford's Collection,) June 5th, Bothwell to Elizabeth and to Cecil, signed, J. D. (James Duke) Paper Office, June 5th, Lethington to Cecil, ibid. June 6th; it appears that Robert Melvil was not dispatched till the 6th, when, according to Calderwod (ii. 47. M.S.), "the queen and Bothwell went to Borthwick castle, with their artillery and men of war;" or, according to Murray's Diary, on the 7th, when he rode forward to Melrose, apparently to prepare for the forces summoned to meet him on the 15th. That design the confederates prevented on the 11th, when "the queene was in peaceable manner reposing with hir new mariet husband in the castell of Borthwick, nar to Edinburgh they thought to have laid violent hands on thame baith, bot were deceivit: for the queene was premonisht, and escapit suddainlie to the castell of Dumbarr." Crawford's MS. The fact is now confirmed by Beton's letter, Appendix, No. X, which contains the whole progress of events from the 11th to the 17th. But the fact is evidently anticipated by Melvil, who transfers the attempt to surprise and seize them in Borthwick castle, to their departure from Edinburgh five days before.

² Buchanan Hist. 362. Knox, B. v. 407. Calderwood, MS. ii. 48.

Borthwick castle, booted and spurred, in the disguise of a man ; and was received within a mile of the place by some of Bothwell's servants, and conveyed to Dunbar⁶³. Had she remained at Dunbar, the confederates must have dispersed. But when she advanced with an army reluctantly assembled, to Carberry hill, her forces refused to fight, and began to separate, and as her retreat was intercepted by Grange, with a party of horse, there was no resource for the preservation of Bothwell, but to send him away, and to submit to the confederates herself, on some vague stipulations for obedience and respect. The insults which she suffered from an enraged populace, are sufficiently known; but the grief, indignation, rage, and despair, with which she was agitated, attest how differently she felt and suffered a real injury, from the pretended seizure of her person by Bothwell⁶⁴.

CHAP.
II.
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Bothwell's
flight and
the queen's
imprison-
ment.

II. Her attachment to Bothwell still continued with unabated violence. After a full expla- Her attach-
ment to
Bothwell
continues.

⁶³ See Appendix, No. X, which confirms Buchanan, and Murray's Diary, that the queen, *veste virili sumpta* (Hist. 361.) " followit Bothwell to Dumbar disguised." Buchanan's assertion, that the queen had a stamp made with Darnley's signature, which she committed to Rizio, to affix to public instruments; by which the king was excluded from all share in business, (Hist. 343.) is also confirmed by a deed published by Mr. John Dayidson, to which Darnley's name has been affixed by a stamp.

⁶⁴ Calderwood, ii. 48. Melvil 83. Birrell's Diary. Buchanan, 364.

CHAP
II.
1502.

nation of the danger to which the realm and her son were exposed, when the lords required that
 " she wald suffer and command the murther and
 " authors thairof to be punist, they fand sic un-
 " towardness and repugnance thairto, that rather
 " she appetit to fortifie and mentein Bothwell
 " and his complices in their wickit crimes, nor to
 " suffer justice to pass forward; quhairthrow, gif
 " hit hienes wald be left in that state, to follow
 " hit own knordinate passion, it wald not fail to
 " succeed to the confusion and exterminatione of
 " the haill realme." They determined, there-
 fore, after mature deliberation, "to sequestrate
 " her person in Lockleven castle, frae all societie
 " of the Earl of Bothwell, and fra all gaiting of
 " intelligence with him or any others, quhairby
 " he may gate any comfort to eschaip dew pu-
 " nishment for his demerits⁶⁵." These circum-
 stances in the order for her imprisonment, were
 acknowledged afterwards by Lethington, when
 her avowed partisan, at a conference which ex-
 plains the proceedings of the confederate lords.
 " Then said the secretary, I will shew you the
 " discourse of the proceedings hereof from the
 " beginning: When we enterprised the taking of
 " the queen at Carberry hill, there were then
 " two chief occasions that moved us; the one was
 " to punish the king's murther, chiefly in my lord
 " Bothwell; the other was, that the unhappy

⁶⁵ See Appendix, No. XI.

“ marriage contracted between the queen and
 “ him might be dissolved, and to this end to se-
 “ questrate her body from him, she was put in
 “ Lochleven; and that these were the chief causes,
 “ the proclamations made at the time, and the
 “ writings sent to other countries plainly declared.
 “ As I myself (said he), the same night the queen
 “ was brought to Edinburgh, made the offer to
 “ her grace, if she would abandon the Lord Both-
 “ well, she should have as thankful obedience as
 “ ever she had since she came in Scotland. But
 “ no ways would she consent to leave my Lord
 “ Bothwell, and so she was put in Lochleven.”

Melvil informs us, that she wrote that same night a letter to Bothwell, full of tender solicitude for his safety, promising never to abandon or forget him; which determined the confederates, on intercepting the letter, to confine the queen in Lochleven castle. Such minute particulars, in which the author could not well be mistaken, coincide with the order to “ sequester her person fra

June 16.

“ Calderwood, MS. ii, 245. This conference, which Robertson has quoted, ii. 339, is pronounced by Whitaker to be a forgery of Craig's, “ the brother minister, and the full brother of Knox in falsehood.” And for this notable reason, that Mary, a few hours before, had actually abandoned Bothwell; whom she refuses, according to this conference, to abandon for a husband. “ Bedlam,” to which he consigns Dr. Robertson, “ is no Bedlam to him,” who mistakes declamation for facts, and scurrility for argument. Whitaker, i. 278. Note.

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1567. " all getting of intelligence with Bothwell ;" and the letter must have been genuine, as the queen was unable to disown it to Grange⁶⁷. When Sir Nicholas Throckmorton arrived from England

⁶⁷ Hume and Robertson suspect that the letter is a mistake of Melvil's, since it was neither mentioned to Throckmorton, nor produced in England. Murray, however, in his answer at York, alludes to her intelligence with Bothwell and his fautors. Anderson, iv. 67. But the casket, discovered a few days after, was the only evidence produced in England, and the proofs contained in it of adultery and murder, to which the confederates directed, or confined their charges, were sufficient there, and in the negotiations with Throckmorton, to supersede any subordinate proofs of her affection for Bothwell. But Melvil, who repeats the contents of the letter twice, is too particular to be mistaken. It was shewn to Grange, who was so much exasperated at the harsh treatment and removal of the queen to Lochleven, that but for the letter, he would have instantly left the confederates. On receiving a letter from Mary, lamenting her harsh usage and the breach of promise, he answered, that when he reproached the lords, " her letter to Bothwell, promising among many other fair and comfortable words, never to forget or abandon him, had stopped his mouth ; marvelling that her majesty never considered that he could never be her lawful husband, though he had not been so hated for the murder of the king ; therefore requesting her majesty to put him clean out of mind." &c. " It contained," says Melvil, " many other loving and humble admonitions, which made her bitterly to weep, for she could not do that so hastily which process of time might have accomplished." Melvil, 84. From her secret correspondence with Throckmorton, she had undoubtedly the means of undceiving Grange, had the letter been forged ; but Melvil considers her attachment to Bothwell as deep-rooted, and to be surmounted only by time.

to effect an accommodation, the confederates uniformly maintained that Mary was still unalterably attached to Bothwell, whom, in her present disposition, she was firmly resolved, if restored to liberty, to retain for her husband, and to strengthen, to the imminent danger of her son, and the certain destruction of the confederate lords⁶⁸. The assertions of her enemies are confirmed by Throckmorton, who perceived that the principal cause of her detention, and rigorous confinement was, “because that the queen will not by any means be induced to lend her authority to prosecute the murder, nor will not consent by any persuasion to abandon the lord Bothwell for her husband, but avoweth constantly, that she will live and die with him; and saith, that if it were put to her choice, to relinquish her crown and kingdom or the lord Bothwell, she would leave her crown and kingdom to go as a simple damsel with him, and that she will never consent that he shall fare worse, or have more harm than herself.” In his next dispatch, he observes, that “she had yielded in words to the prosecution of the murder; but will by no means yield to abandon Bothwell for her husband, nor relinquish him;” and having endeavoured to persuade her, by a secret correspondence, to acquiesce in a divorce, she returned for answer,

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1567.

⁶⁸ Keith, 419-49.

CHAP. that she would rather die than consent to that;
 1567. pretending that she was seven weeks gone with
 child⁶⁹. Murray, in their subsequent interview at
 Lochleven castle, accused the queen of persisting
 in her excessive attachment to Bothwell. He re-
 newed the same accusation at York, that she was
 required, when conveyed to Edinburgh from
 Carberry hill, to concur in the punishment of
 Bothwell and his associates for the king's murder,
 and in the dissolution of the marriage for the vin-
 dication of her own honour, and for the security
 of her son; "but no other answer could be ob-
 "tained but rigorous menaces on the one part,
 "avowing to be revenged on all them that had
 "shewen themselves in that cause, and on the
 "other part offering to leave the realme, and all,
 "so she might be suffered to possess the murderer
 "of her husband." The reply which she made
 to this charge, is a feeble and evasive admission of
 its truth, "that it was no wonder, when rigo-
 "rously treated, if she gave them quick and
 "sharp answers; but that she was always con-
 "tent to leave whatever was alleged by them, to
 "be reformed by the whole nobility and estates
 "in her presence, which was utterly refused, and
 "made no offer to quit the realm for the posses-
 "sion of Bothwell." She neither denies her
 attachment to Bothwell, nor her menaces against

• Robertson, ii. 447-51,

his enemies, nor her refusal to consent to his punishment or to her own divorce, but merely that no formal and public offer was ever made by herself to quit the kingdom for his sake⁷⁰. That instead of refusing to abandon, she already had abandoned Bothwell, whom she sent away from the field for the preservation of his life, is a mere quibble on the word *abandon*⁷¹. From the passages already quoted, it appears sufficiently that the first cause of her removal, and severe confinement to Lochleven castle, was her obstinate attachment to Bothwell, whom, instead of refusing to abandon, or in other words, to renounce as her husband, and to subject to the just punishment of his crimes; she was fully determined, on the first favourable opportunity, to recall from the north⁷². Had she been innocent herself, and ignorant of the real author of her husband's death, the supposed rape on her person must have fixed her instantaneous and insuperable suspicions upon Bothwell. Her soul would have recoiled from a marriage purchased by the murder of her former husband, and her nuptials, had she suffered real violence from Both-

⁷⁰ Anderson, iv. 66. 84. Goodall, ii. 145-65.

⁷¹ Whitaker, i. 274.

⁷² Bothwell was then at Spynie, with his uncle the bishop of Murray. Had the queen joined him, or escaped from Lochleven, the Hamiltons, the Gordons, and his other friends who promoted the marriage, and were evidently more than a match for the confederates, would have restored him to power.

CHAP. II. well, must have appeared the very consummation of his crimes. Or, if entangled, whether by force or fraud, in a hateful marriage, she must, if innocent, have rejoiced in an opportunity to deliver herself from the embraces of a murderer, and to dissolve an infamous alliance, by avenging her own insulted honour and her husband's blood. But her ardent and inordinate attachment to Bothwell, continued evidently to the last: and as it could not originate after the seizure and pretended rape, we must conclude that the same criminal passion had uniformly subsisted from a period prior to her husband's death¹³.

Conclusion 12. It appears then from the preceding deductions, that our former conclusion concerning the guilt of Mary, is confirmed by each successive circumstance, subsequent as well as antecedent, and conducive to the murder of Darnley: That she was conscious, and from her letter to archbishop Beton, fully aware of the duty, and imperious obligation to discover the murderers, and avenge his death; but that all enquiry into the crime was suspended, and the melancholy fate of her husband was consigned at once to the most profound oblivion: That her supine inattention to his memory, and indifference to his fate, cannot be imputed to any natural imbecility of judgment, or habitual submission to the will of others; but if innocent herself, that she must unavoidably

¹³ See Appendix, No. XII.

have suspected some one, and that her suspicions must have been necessarily directed towards Bothwell: That instead of distrusting, or even affecting to distrust him, she invested him five days after the murder with an important grant, and when apprized of the vehement, undisguised suspicions which prevailed at home and abroad, both of his guilt, and of her own connivance, she endeavoured at first, by the most evasive answers, to avoid an enquiry, refused to arrest and commit him to custody, or to remove him from her presence when accused by Lennox; but procured for him the command of the castle and city by the surrender of her son, and then granted a collusive trial, when it could no longer be refused, at a privy council where the criminal himself was permitted to assist in her presence, and to direct the proceedings for his own acquittal: That no woman who felt the least regard for her own character, would have suffered a person publicly accused of her husband's murder to approach her person, much less to share in her counsels, authority and favour: But that Mary had been sufficiently admonished by archbishop Beton, Lennox and Elizabeth of the conduct which she ought to adopt as a wife, and as a sovereign: That in opposition to their earnest remonstrances and solemn exhortations not to spare the criminals, nor connive at their escape, but by a severe and exemplary vengeance, to vindicate her own innocence from the

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CHAP. II. reproaches of Europe; she hurried over a collusive trial, conducted by Bothwell himself with an armed force, before his accuser could have collected evidence, or friends for his own preservation; That contrasted with the rigorous and speedy prosecution of Rizio's murderers, such an acquittal, the result of a trial at which the accuser durst not appear in person, as it could not possibly have persuaded Mary of Bothwell's innocence, leaves no room to doubt of her intentions, and secret motives, when two days afterwards she selected the chief murderer of her husband for the most distinguished honours and rewards in parliament, and instead of instituting a public investigation, passed an act to suppress all evidence whatsoever of the crime; That the bond, recommending Bothwell for a husband, and attesting his innocence, could not have escaped her observation at the time; nor was it in fact procured from the nobility and bishops without her knowledge and consent; That the whole plan of her journey to Stirling, and the seizure and conveyance of her person to Dunbar, had been concerted with Bothwell, whose divorce, the consideration for which Huntley was restored in parliament, must have been conducted, both in the popish and protestant courts, with her special approbation, and whose flagitious nuptials were promoted and attended by her friends alone: That in these circumstances, her marriage, under the thin pretext of a fictitious

rape, with a man so scandalously and so recently divorced from his wife, not a month after his collusive acquittal for her husband's murder, is in reality equivalent to a full and open avowal of her guilt, and illustrates every doubtful circumstance in her former conduct: That the supposed rape, which, if real, must have confirmed every former suspicion, and excited indignation, hatred, and the utmost abhorrence, would have deterred her from a marriage with the only person of rank or eminence, accused or suspected as the murderer of her husband, and the marriage itself, after such an outrage, must, in her eyes at least, have appeared a voluntary participation in his crimes: That, if guiltless herself, she must have rejoiced at the first opportunity to escape from his arms, and by inflicting the most rigorous punishment on his head, to dissolve an infamous marriage, and to avenge at once her own honour and her husband's death: That on the contrary she retained her former attachment to Bothwell, which continued with the same violence even after their separation: That an attachment so ardent and inordinate, as it cannot be imputed to a sudden passion for a man whom she had known so long, much less to the pretended rape on her person, must have subsisted previous to the death of her former husband, and is to be received as the cause from which all her crimes and misfortunes originated: And that the only plea derived from her

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1567. former benignity and good conduct, of which however, there is no evidence, is insufficient, in opposition to these conclusions, to exempt her from the imputation of such atrocious crimes, and may be answered decisively in the words of Hume: "That a woman who, in a critical and dangerous moment, had sacrificed her honour to a man of abandoned principles, might thenceforth be led blindfold by him to the commission of the most enormous crimes, and was in reality no longer at her own disposal; and as it appeared that she was not afterwards restrained either by shame or prudence from incurring the highest reproach and danger, it was not likely that a sense of duty or humanity would have a more powerful influence over her."⁷⁴"

⁷⁴ Hume, v. 417. From whom some other important remarks are derived.

CHAPTER III.

The Conferences at York and Westminster.

FROM the moral evidence which the conduct of Mary affords, of her secret concern in the murder of her husband, her apologists are careful to turn away their eyes. They quibble concerning particular facts, but are afraid to contemplate the whole in succession; and under whatever name their examinations, enquiries, and vindications are published, they begin invariably at the middle, with verbal and minute criticisms on the letters, or partial observations on detached passages of the conferences in England, of which they never venture to trace and state the result. A minute and patient investigation therefore, of the progress of the conferences at York and Westminster, from their first origin to their final termination, is still necessary to confirm or confute the conclusions already deduced.

1. On the 20th of June, Dalgleish, a servant sent by Bothwell to Sir James Balfour, for a box of papers in Edinburgh castle, was intercepted by Morton, before his return to Dunbar. The box, which Bothwell had received from Mary, on her husband's death, was a silver casket, about a foot

Discovery
of the letters.

June 20,

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III.
1567.

in length, gilt and marked with the crown and initials of her first husband, Francis II, to whom it had belonged. It contained her letters from Glasgow, Stirling, Linlithgow, and the Kirk of Field; a series of twelve sonnets, and two contracts of marriage; all written, except the last contract at Seton, in her own hand. These important documents were preserved by Bothwell, both as pledges of her affection, and as proofs of her assent to the murder and seizure¹; and the casket must have been lodged among his other papers in Edinburgh castle, when he conducted the queen thither from Dunbar². On his removal to the palace before the marriage, and on his departure afterwards to

¹ Tytler asserts that no sufficient reason can be assigned for Bothwell's keeping, instead of destroying, such dangerous letters, i. 78. Lord Hailes, in a marginal note on Tytler's enquiry, assigns three sufficient reasons; the care of vindicating himself; the desire of preventing the queen from drawing back; and the vanity of having received such letters, from the finest woman in the world. But the true reason for the preservation of the letters, had been assigned by Buchanan, two hundred years before Tytler wrote. *Bothwellius, qui reginae inconstantiam nossit, ut cuius intra paucos annos plurima viderat exempla, literas conservarat, ut si quid dissidiij cum ea incidisset, illo testimonio uteretur, nec se regiae cædis auctorem, sed comitem fuisse, ostenderet. Hist. lib. xviii. p. 364.*

² It appears that Bothwell actually kept his papers in the castle, in a green velvet desk, wherein the casket was no doubt deposited; and where Balfour very probably found the bond of the nobility, and the bond devised by himself for the murder of Darnley. Robertson, ii. 506. Cotton Library Caligula, C. 6. fol. 14.

Borthwick castle, he had no apprehension of his future misfortunes: the interval was too busy, between the approach of the lords, and his flight from Carberry hill, for the casket even to occur to his mind; and the fidelity of Balfour, his deputy, by whose connivance it was intercepted, was not yet suspected, when he sent his chambrelain, not to destroy, but to recover the letters so essential for his vindication.³ But the discovery at first perplexed the confederate lords. Morton and Lethington were both privy; Balfour and Lethington had been necessary to the murder; and until the contents of the casket

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³ The reader will observe, that the fantastical objections of Stuart, (Hist. i. 856.) and Whitaker, (i. 224.) that Bothwell would neither have lodged the letters in the castle, when refused admittance himself, upon his flight from Edinburgh, nor have sent for them after his escape from Carberry hill, when Balfour had openly declared against him, are refuted by the plain explanation already given; that Bothwell did not fly from Edinburgh when he went to Borthwick, and that Balfour had neither refused to admit him into the castle, nor declared against him when he sent for the casket. The letters were evidently sent for, not to be destroyed, but preserved for his vindication to the confederate lords. Calderwood, who adopts Buchanan's account, asserts, apparently from some older MS. that Hepburn, parson of Auldhamsstocks, was the person sent for the casket. Calderwood, ii. 58. From this I conclude, that Hepburn, his confidential *procator* in the divorce, was sent to recover the letters, and to treat, perhaps, with the confederates, and that Dalgleish, a servant, was merely employed to enter the castle, and convey them to Hepburn, in the neighbourhood of Edinburgh.

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III.

1567.

July 19.

were carefully examined, we may be sure that the discovery would not be revealed by them. The confederates were joined by no one; but opposed by a powerful combination of nobles, whom for their own security they were anxious to conciliate⁴. The French court was sufficiently inclined to support the queen; and Elizabeth interposed avowedly for her relief. Without either external aid, or domestic support, they were careful not to exasperate her friends by divulging the letters; but their first design, to keep her confined for a time, till divorced from Bothwell, was altered by those indisputable proofs which they had discovered of her guilt. Throckmorton, soon after his arrival (July 12th), perceived that she was in great fear of her life, and inclined to retire to a nunnery in France, or to the old dowager of Guise, her grandmother. On the 19th, he observed, that while Lethington alone desired that she should be restored conditionally, on her divorce from Bothwell, to her former state, some proposed that she should resign the crown, and abjure the realm; others professed to prosecute justice against her, and on her condemnation to crown her son, and confine her

“All which time,” (when she was put in Lochleven) says Lethington, “we hoped that all men should have assisted to revenge the king’s murder, but never one more came to us, nor we were at Carberry hill: on the contrary, lord Huntley and many others, rose up against us, so that they were the greater party than we.” Conference with Lethington, 1571. Calderwood, MS. ii. 245.

during the remainder of her life; others again, were willing, by a judicial trial and sentence, to deprive her both of her crown and life. To incorporate these designs was not difficult; and Throckmorton, by certain intelligence, discovered on the 21st that the confederates were resolved to celebrate the coronation of the young prince, with the queen's consent, if it could be obtained, on condition not to touch her life or honour, nor to institute against her any judicial process; otherwise, that they were determined, on her refusal, to proceed against her publicly, by manifestation of such evidence as they had obtained of her guilt⁵. According to his subsequent letters, Lord Lindsay, accompanied by Sir Robert Melvil,

Employed
to extort a
resignation
of the
crown.

⁵ Throckmorton's Letters, July 16th. See Appendix, No. XIII. and July 19th, Keith, 420. He had written the day before, that "altho' the lords and counsellors speak reverently, mildly and charitably of the queen, so as I cannot gather from their speech any intention to cruelty or violence, yet I do find by intelligence that the queen is in very great peril of her life, by reason that the people assembled at this convention do mind vehemently the destruction of her. It is a public speech among all the people, and among all the states (saving the counsellors), that the queen hath no more liberty nor privilege to commit murder nor adultery, than any other private person, neither by God's laws, nor by the laws of the realm." July 18th. Robertson, ii. 453. His letter of the 19th assures us that her great peril was that of a judicial trial; and Elizabeth afterwards professed, that her interposition at this period had preserved Mary's life. Robertson, i. 445. Cotton Library, Caligula, C. 9. fol. 4.

CHAP. was dispatched on the 24th to intimate, that the lords, considering her former misbehaviour, would submit the government no longer to her misrule; and to exhort her to a peaceable resignation of the crown, in which case, "they woudl endeavour themselves to save both her life and honour, *"both which otherwise stood in great danger."*" Melvil informs us, that they sent Lord Lindsay, "first to use fair persuasion, and if that failed, "they were resolved to enter into harder terms;" that Athol, Mar, Lethington, Grange and Throckmorton, employed his brother to "tell her the verity; and how that any thing she did in private could not prejudge her when restored to liberty, but that she refused to yield, till informed of Lord Lindsay's arrival in a boasting humour," when she agreed to execute two deeds for the appointment of a regency, and the resignation of the crown.⁶" Crawford's MS. assures us "that she nather could, nor durst refuse, for the messenger was commandit, in case she had refusit, to denunce punishment and death unto her for the murder of her lawfule husband King Henry." In conformity with these authorities, Throckmorton informs us that the assembly of the church required the murder to be severely punished without respect to persons, according to the practice of the realm, and the laws of God.

and of nations ; and he perceived, that if the confederates could not by fair means induce the queen to assent, they meant to charge her with the violation of the common and statute laws, adultery with Bothwell, and with the murder of her husband, "of which, as they said, they had sufficient evidence under her hand⁸". From the whole tenor of Throckmorton's dispatches, it is evident that she was exposed to no other danger but that of a judicial trial, in which her letters would be produced as the proofs of her guilt ; and her friends had no reason to apprehend, that the confederates would incur the public abhorrence, and the united vengeance of France and England, by an assassination worse and more atrocious than that of which they accused the queen. The *harden terms* into which they were otherwise resolved to enter, and the punishment which their messenger was enjoined to denounce, *for her husband's murder*, must refer therefore to the same judicial investigation ; the *verity* which Melvil's brother was employed to explain, must imply the danger attending her life and honour if the casket were produced ; and the uniform silence of two contemporary memoirs concerning the letters, of which Melvil and the author of Crawford's Manuscript could not possibly be ignorant, when produced and published, indicates clearly that

⁸ Keith, 426.

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1567. these writers were unable to disavow the authenticity of the letters, and chose rather to conceal them entirely, than to pronounce them genuine⁹. The consideration which the confederates offered for her resignation, “ that they would endeavour “ themselves to save both her life and honour, “ both which otherwise stood in great danger,”

⁹ Not a syllable concerning the letters is to be found either in Melvil or in Crawford's MS. Yet Melvil attended the whole conference; enjoyed the regent's peculiar confidence; was entrusted with his secret communications with Norfolk, and gives a ludicrous, and, as we know, a false account of the manner in which the accusation against Mary was produced at Westminster; after which we hear no more of the conference; and the production of the letters to verify the accusation, is studiously concealed. Melvil, 96. The accusation itself is represented as Elizabeth's sole object, alone sufficient to dishonour Mary, whom Melvil tacitly considered as guilty, when he concealed her refusal to answer the charge. At first I suspected that this part of his memoirs had been suppressed by the editor. But Crawford's MS. gives an accurate abstract of the conferences at York; abridges with sufficient precision the queen's complaint against Murray and Morton, their answer and her reply; explains the removal of the conference to Westminster, and then maintains an inviolable silence, to conceal the accusation, and the proofs of her guilt. Melvil, and the author of Crawford's MS. could not possibly be ignorant of the letters, especially when published and annexed to Buchanan's Detection; and their cautious silence, at that critical part of the conferences, when the letters or the accusation were produced against Mary, is a convincing proof that they were careful not to mention the letters, to conceal, if possible, what they could not disown.

accounts in a satisfactory manner for their silence afterwards concerning the casket ; and as Mary had no danger to apprehend, except from a judicial investigation, nothing less than her letters, containing the proofs of her guilt, could have induced her thus to resign the crown.

2. About a fortnight after the young king's ^{Murray's return,} coronation, the earl of Murray returned to Scotland, and before his acceptance of the regency, went with Athol and Morton, to visit the queen in Lochleven castle. A part of the confederates were afraid that he might be inclined to concur in her release at a subsequent period ; others, among whom were Mar, Athol, Lethington, Tullibardine, and Grange, advised him to treat her with respect and tenderness, as her judgment, exempt from the influence of evil company, had already begun to repent of many things, and the time might come when he would wish to restore her again to power ¹⁰. His motives, therefore, for this visit, which have never been understood, were to examine her present disposition in person, that his future conduct might be regulated by the result of his own observations, to produce perhaps, by his salutary remonstrances, a reformation in her mind ; and finally to procure her personal consent to his acceptance of the government. At their first interview, before supper, she was dissatisfied

* Melvil, 87.

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1567. with his reserve, from which she could draw no presage of his opinions or designs. At the second, which continued till midnight, he disclosed, apparently at her own request, his opinion of her misconduct ; " laid before her all such disorders as might touch her conscience, her honour, or safety ; and while he behaved like a ghostly confessor, some times she wept bitterly, some times she acknowledged her unadvised misconduct; some things she did plainly confess, some things excuse, and some extenuate," and he left her that night to the mercy of God, as her chief resource. At their next interview in the morning, he consoled her with a conditional assurance of her life, and " as much as in him lay the preservation of her honour ; for her liberty which lay not in his power, it was neither good to seek, nor at that time to obtain it ;" and at his departure she embraced and requested him to assume the regency for her own as well as her son's preservation¹¹. From this imperfect report of the conference, the conditional assurance of life that he gave to the queen, which depended not on him alone, " as the lords and others had an interest in the matter," can refer only to a judicial trial if she attempted to disturb the government, or retained her inordinate attachment to Bothwell ; and his farther assurance, as much

¹¹ Keith, 445-6.

as in him lay, for the preservation of her honour, CHAP.
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1567. can relate to nothing else than the letters in Morton's custody, which the confederates retained, and which they intended to produce, if necessary, for their own vindication. Their silence concerning the casket is sufficiently explained; since the letters which they were afraid at first to divulge, lest it should preclude all terms of accommodation with her friends, were afterwards employed to extort a resignation of the crown, as the tacit consideration for which they were concealed. The discovery of the casket was omitted therefore in Dalgleish's examination, whose evidence was strictly confined to the murder; and as no minutes of council were then taken, no mention of the letters could occur in its records, till an act of council was pronounced on the subject¹². In the same manner, Huntley's concern in the murder, as we discover from a letter to Throckmorton, was suppressed in Hay of Talla's deposition (September 13th), as that powerful nobleman was then on terms of submission to the regent¹³.

¹² Whitaker repeatedly objects, that in the minutes of council on the 21st and 27th of June, not a word is said of the letters, which are not mentioned till the 4th of December. Whitaker, i. 248. He should have known that no minutes of council were kept, till the next century, and that the acts of council, like those of parliament, are expressly confined to the subjects on which they are pronounced.

¹³ "This day the erl of Argill, the Lordis Boyd, Lewis-toun and Kelwonynge, are partit of this towne, and weill

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1567. Argyle, Boyd, Livingston, and Kilwinning had acknowledged the young king, and the regent's authority : Herreis and all the Hamilton's had offered to submit; and it was dangerous to prosecute, on a single evidence, a chieftain with whom they might still confederate. Their submission was accepted, and to confirm the authority of the new government, a parliament was then held by the regent (December 15th), at which the lords of each party were present, and the sword and sceptre were borne by Huntley and Argyle¹⁴.

The letters produced in the privy council, The confederates were solicitous for a legal confirmation of their late transactions. An act of council, after long deliberation, had been lately framed (December 4th), declaring that they could

agreit with my L. Regent, promisyng to serve the kyng and aknowlede hym as regent, and all the Hameltons and the lord Herys hes sent the lyke offers, and the erle of Huntlie is sekyng all the meenys he cane to haif his dress bot the lard of Tallaw quho is apprehéndit dois blot the said erle with the murder quhat forder order beis takkyne with, him I am presentlie uncertane." R. Melvil's letter to Throckmorton, Edinburgh, September 14th, 1567. M. Crawford's MS. The letter is written the day after Hay's examination; but Huntley's share in the murder, and the letters which it was not then intended to divulge, were suppressed in Hay's and Dagleish's Depositions, for the same reason, because their depositions were taken as evidence to be produced judicially against themselves.

¹⁴ Anderson, ii. 228. Birrell's Diary, 13. Spottiswood, 214.

find no other means for their vindication, than to reveal the whole truth from the beginning, into which, as dishonourable to the queen, their sovereign's mother, they were loth to enter, till compelled for their security; and desiring the parliament to find that their late proceedings were in the queen's "awin default, in as far as, " be divers her previe letters, *written and subscri-*
 " *vit with her awin hand*, and sent be her to
 " James earl of Bothwell, as well befoir the mur-
 " der as thereafter, and by her ungodlie and dis-
 " honourable proceeding in a *privete* marriage
 " with him soddanlie and unprovisitlie thereafter,
 " it is maist certain that she was previe, airt and
 " pairt, of the actual devise and deid of the mur-
 " der of the king her lawful husband ^{15.}" An act and in par-
 of parliament was accordingly passed, declaring,
 nearly in the same terms, that the conduct of the

¹⁵ Haynes, 454. Goodall, ii. 62. This passage has been miserably perverted to a different sense, viz. that her letters to Bothwell were the cause of taking arms, and the detention of her person, which, as the letters were not then discovered, was absolutely false. Tytler, i. 86. Stuart, i. 561. The meaning is obvious, that the occasion of their taking arms, and the detention of her person, were in her own default, in as far as it was most certain, both from her correspondence and marriage with Bothwell, that she was accessory to the murder of her late husband: in other words, that she could not accuse their rising as rebellious, when their proceedings were justified by her own crimes, as was manifest, both from her letters and marriage. Haile's Notes on Tytler, MS.

CHAP. confederates, in taking arms, and in the detention
 of the queen's person, were by her own default;
 1567. " in as far as by diverse her previe letters, *written*
 " *hatelie with hir awin hand*, and send be hir to
 " James, sometyme earl of Bothwell, as weill be-
 " foir the murther, as thereafter, and be hir un-
 " godlie and dishonourable proceeding to ane
 " *pretendit* marriage with him, suddenly and un-
 " provisatly thereafter, it is maist certaine that she
 " was previe, airt and part of the actual devise
 " and deid of the murthour of the king, hir
 " lawchful husband¹⁶." From this difference be-
 tween the acts of council and of parliament, of
 which Hume enables us to give a just explanation,
 much despicable quibbling has been employed to
 prove that the letters were fabricated in the interval
 between the two acts, or forged originally with
 the queen's signature, which was afterwards with-
 drawn¹⁷. But the casket, whether its contents
 were authentic or not, was undoubtedly produced
 in the privy council¹⁸: and as every legal and

¹⁶ Goodall, ii. 66. Anderson, ii. 220. Keith, Appendix, 152.

¹⁷ Goodall, i. 43. Tytler, i. 87. Guthrie, vii. 97. Stuart, i. 371. Whit. i. 381.

¹⁸ Even this is denied by Guthrie, who, as he cannot find the actual production of the letters specified in the act, concludes that the privy council took the matter for granted, vii. 90. Neither is the production of the letters specified in the act of parliament; yet we know that they were exhibited there, not only from Murray's information, but from the re-

conventional writing was termed a letter, her letters, sonnets, and marriage contracts, which were all secret, were styled indiscriminately her *previe letters*¹⁹. As the letters, sonnets, and first contract in French, were written, and the second only subscribed by the queen, they were described undoubtedly as “divers her previe letters, written or “subscribed with her own hand;” but this clause in the copy found by Haynes among the Cecil papers, has been converted by a natural mistake of the pen or the press, into “written and subscribed “with her own hand²⁰.” In Murray’s receipt for the box and letters, when carried to England, they are described as “ane silver box, ower gilt “with gold, with all missive letteris, contractis, “or obligatiounis for marriage, sonnettis or luif-

luctant confession of Mary’s friends, and we have no reason to suppose that they were not exhibited in the same manner in the privy council, where, after many days deliberation, the act of parliament was first framed. Nothing can be more captious and pedantic than to demand precision of language from an age and nation accustomed to neither.

¹⁹ Letters of horning, caption, lawburrows, intercommuning, letters of slains, fire and sword, &c. were legal, letters of tack, pension, &c. were conventional writs, in the form of letters. Tytler and Whitaker suppose, that her privy letters can relate only to her missive letters, as if the contracts, and sonnets, when included, as they are in the receipts, under the denomination of letters, were not equally private. Tytler, i. 90. Whit. i. 382-8.

²⁰ See Appendix, No. XIV.

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“ballettis, and all utheris letteris containit thairin,
 “send and past betwix the queen and Bothwell;”
 in Morton’s receipt (1570-1) as “an silver box
 “owergilt with gold, with the missive letteris,
 “contractis or obligatiounis for marriage, son-
 “nettis or luif-ballettis, and utheris letteris thairin
 “containit to the number of XXI, send and past
 “betwix the queen and Bothwell²¹;” from
 which it appears, that according to the language
 of the age, not only the *missives* sent, but the son-
 nets and the contracts passed between them were
 comprehended under the general denomination
 of letters. In Murray’s declaration at Westminster
 that the letters were genuine, not only the act
 of council is explained, but the clause in question
 is literally transcribed. “Quhairas we haif
 “producit diverse missive letteris, sonnettis, ob-
 “ligatiounis, or contractis for marriage betwix the
 “queen and Bothwell as *writtin or subscriptiv* be
 “hir hand, and we be the tenour heirof, testifies,
 “avoweis and affirms that the saidis hail missive
 “writings, sonnettis, obligatiounis, or contracts
 “are undoubtedly the said queen’s *proper hand*
 “*write*; except the contract in Scottis of the
 “dait at Seitown the 5th day of April 1567,
 “written be the earl of Huntlie, quhilkes also we
 “understand and perfectly knawes to be *subscri-*

²¹ Goodall. ii. 91. Anderson, ii. 257.

“*vit be hir*²².” Here the distinction between the letters written, and the contract only subscribed by her hand, is precisely explained; and from these passages it appears that in the original act of council, her missive letters, sonnets and contracts were styled indiscriminately her letters, and as they were all secret, “her previe letters, written, “*or* subscribed with her own hand.” The whole casket was produced in the privy council, and attested, among many others, by Grange, whose heroic attachment to Mary never would have suffered him to promote the deceit. But in parliament, the whole casket was not produced. The Scotch contract at Seton was undoubtedly withheld, for this substantial reason, that it was written by Huntley, one of the lords of articles, and when his peace was already made with the regent, the contract would not have been permitted to pass that committee, nor introduced into parliament for his obvious impeachment. The letters, sonnets, and perhaps the first contract, were alone produced, and are therefore properly de-

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²² 1d. 259. Goodall, ii. 92. In the same manner, in the letter which Goodall ascribes to Cecil, on the publication of Buchanan’s Detection, “The very casket was here shewn, and the letters and other monuments opened and exhibited; and so much as is there said to be written or subscribed by the said Lady Mary, the earl of Bothwell, or others, hath been testified to be written *and* subscribed as is there alledged.” Goodall, ii. 379. Anderson, ii. 265.

CHAP. ^{HL} scribed in the act, by the clerk of parliament, as *written halelie* with her awin hand. The letters at least were confessedly produced in parliament ²³, where Argyle, Huntley, and the bishop of Galloway his uncle, the bishop of Murray Bothwell's uncle, and the earl of Caithness, whose son was married to Bothwell's sister, were lords of articles, and where Herreis was present to defend the honour of the queen ²⁴. But Argyle, Huntley, Herreis, and others, protested, according to their own account, not against the authenticity of the letters, but the resignation of the crown; that it should be deemed invalid if extorted from the queen without her free consent. That a bond was signed to deprive her of life, if they opposed the act, is a vain, and obviously a false pretext ²⁵. No such bond was ever known, or even supposed to exist, and as her sole danger arose from a judicial investigation, to disprove the evidence was the surest method to preserve her life. But instead of attempting to disprove the letters, Huntley, Argyle, and Herreis protested, that no blame should be imputed to

²³ Robertson, ii. 484, Goodall, ii. 360.

²⁴ Anderson, ii. 228.

²⁵ Goodall, ii. 362. The bond, with the act of parliament concerning Bothwell's acquittal and marriage, must be classed among the many fictions in the instructions from the lords and abbots of Mary's party. They mention none who subscribed, or refused to subscribe it, and never once ventured to mention it at York or Westminster.

them for their past conduct in opposition to the king, and when they received a pardon in public from the regent²⁶, we can only conclude that those letters must have been genuine which passed the articles, and, on being produced in parliament, were approved and confirmed as authentic, without opposition from her friends.

3. On her escape next year from Lochleven castle, and the defeat of her friends at the battle of Langside, she sought an asylum in England, and was conducted to Carlyle with every mark of external respect. Her first request on her arrival there was to obtain admission to Elizabeth's presence, and sufficient aid against her rebellious subjects, to restore her to her throne. From the presence of an artful intriguing rival, who had once challenged, and in the opinion of a numerous party possessed an indisputable title to the crown, the situation of Elizabeth was certainly embarrassing in the extreme; and it was equally dangerous to permit Mary to pass into France, or return into Scotland, where the arrival of foreign succours might renew and support her pretensions to the throne of England. Two modes of procedure remained; but it will be sufficient for me to explain the various motives of Elizabeth's policy, which it is not incumbent upon me to vindicate. The reader must determine for himself

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Origin and
object of
the confa-
rences in
England.
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²⁶ Anderson, iv. 153. See Appendix, No. XV.

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1908. in the sequel, whether, or how far she was actuated by a malignant animosity towards her former rival, or by a sincere resolution to restore her if innocent, or if guilty merely of culpable indiscretions, to her throne and kingdom; but if manifestly guilty of her husband's murder, to seclude her person for ever from the world; and in either case, to prevent the introduction of a foreign force into Britain, and the renewal of the former alliance between the Scots and the French ²⁷. Cecil's private deliberations uniformly proceeded upon these suppositions: To procure and declare to the queen of Scots, the proofs of her concern in her husband's death, "to the end, if upon her answer "thereunto it shall appear that she is not culpable of that wherewith she has been charged, "then, by her majesty's means and support, she "may be restored, both to her honour and estate: "But, if by her answer it shall not appear but "that she is culpable, then her majesty *may devise* "otherwise, how to cover the dishonour of the "crime, and also to settle her in her realm, under "such government as may preserve the same "from the tyranny of the French, and continue "the good accord betwixt the two realms"— "If her cause shall be heard, and duly examined, "there must needs follow an acquittal of the "queen of Scots from the infamy, or a condem-

²⁷ Anderson, iv. Part i. p. 40-2.

" nation for the whole, or some part of the crimes
 " imputed to her: If acquitted, then for the be-
 " nefit she shall receive, good means may be de-
 " vised to make an alliance betwixt both these
 " realms: If her cause prove criminal, then either
 " she is to be restored to her country with some
 " sure limitations for the safety and succession of
 " her son, and the maintenance of the regent
 " and his party in Scotland; or else, according
 " to the excess and quantity of the crime, she is
 " to live in some convenient place, without pos-
 " sessing of her kingdom, where she may not
 " move any new trouble²⁸." Lord Scroop and
 Sir Francis Knolles were dispatched in conformity
 with these deliberations, to congratulate her on
 her arrival. They informed her that their mis-
 tress "could not, without her own dishonour, ad-
 " mit her to her presence, by reason of the great
 " slander of the murder whereof she was not
 " yet purged;" but assured her that their mis-
 tress "would be the gladdest in the world to see
 " her grace well purged of this crime, that thereby
 " she might aid her fully and amply for her ad-
 " vancement to her government royal again²⁹."
 The conditions, therefore, on which alone she
 could expect assistance from Elizabeth, or access
 to her presence, were announced from the begin-

CHAP.
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1588.

²⁸ Anderson, iv. Part i. p. 36-8.

²⁹ Id. 52-9.

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ning; but alarmed at those dangerous proposals of exculpation and enquiry, she renewed her application for admission and aid. A pointed and explicit answer was returned to Lord Herreis, whom she had sent to court: That considering the many notable crimes with which she was truly charged, prior and posterior to the king's murder, to which she was commonly reputed accessory; her contempt for her husband, and attachment to the man by whom he was afterwards murdered; her protection of Bothwell, and neglect to prosecute or examine the murder; her punishment of those who accused him of the crime; her advancement of the chief murderer to new titles and estates, and in the end, her marriage with him while his wife was yet living; the queen's majesty was perplexed how to act, and was unable, consistently with her own honour, to receive her at court; but that she would agree to do whatever could be devised to remove the very imputation of those crimes, whereby the queen of Scots might be admitted to her presence, and by the chastisement of her adversaries, restored to her former honour and estate³⁰. According to Cecil's narrative, Herreis replied,

Mary's offer to submit her vindication to Elizabeth.

" that although her principal desire was to have " come into her majesty's presence, and to have " present aid for her restitution, yet if that were

³⁰ Anderson, iv. Part i. p. 7-9.

" not meet at present, and Elizabeth would take
 " the understanding of her cause in hand, she
 " would wholly commit the same to be ordered
 " by her majesty; so that respect be had to his
 " mistress' behalf, that she should (not) submit
 " herself in manner of any judgment; nor that
 " her subjects, whom she accounted traitors,
 " *should come into the realm, to be heard as her accusers;* and required that Murray should be
 " enjoined to suspend hostilities against her
 " friends³¹." Elizabeth's reply deserves parti-
 ticular attention: "That she desired not of
 " herself to deal in the cause of the crimes im-
 puted to the Scottish queen, but only wished
 " that some good means might be devised, that
 " her sister might be honourably acquitted there-
 " of; which if it might be, she should *be surely*
 " *restored with all princely honour, and enabled*
 " to chastise her rebels; and if it should not fall
 " *out so clearly to all purposes, as were to be wished,*
 " yet her majesty meant not so to deal therein,
 " as to animate, or give comfort to any subjects
 " to proceed against their sovereign, for any cause
 " that could be alledged, but would do her best,
 " *after the matter heard, to compound all difficul-*
 " *ties without bloodshed, and procure her quiet-*
 " *ness in her realm, and peace among her sub-*
 " *jects: And as to any form or process, whereby*

³¹ Anderson, iv. Part i. p. 10.

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“ her subjects should be reputed accusers, the
 “ queen’s majesty, so far from that, meant rather
 “ to have such of them as she should name, called
 “ into the realm, to be charged with such crimes
 “ as she should object against them, and if any
 “ form of judgment should be used, it should be
 “ against them; and upon report made to her
 “ (Mary), by persons of honour deputed for the
 “ purpose, of what her subjects should answer
 “ for themselves, as it should please her to de-
 “clare her mind and answer to the queen’s majes-
 “ty, so would her majesty inform herself how
 “ far forth she might understand the queen her
 “ sister to be clear from the *crimes imputed*; or
 “ how otherwise, if the (two) causes should prove
 “ doubtful, to prefer the queen’s cause, and com-
 “ pound the whole to her best advantage and
 “ honour ³².”

JUNE 10. Middlemore was immediately dispatched to Carlyle, with instructions to communicate the answer to Mary, and to procure a suspension of arms in Scotland. He informed her plainly, “that
 “ being taxed as she is of so horrible a crime as the
 “ murdering of her husband, her majesty could
 “ not receive her before some justification; but
 “ since she had put herself into her majesty’s
 “ hand, and made her the only judge of her
 “ cause, her majesty would take both her and her

³² Anderson, iv. Part i. p. 11.

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“ cause into her protection ; yea, and if after trial made, *the justite of her cause would bear it*, she would so prosecute her adversaries, as that she would compel them to do her right, and help to restore her to her honour, dignity, and government.” But the message was peculiarly unacceptable to Mary, who perceived that her subjects would become, in effect, her accusers, whatever forms were ostensibly employed. She declared with much passion, that she had no other judge but God ; acknowledged that she had offered to make the queen her judge ; but meant to utter such things to her as she had never done, nor would to any ; inveighed at Murray and his party as traitors, unworthy to appear as a party against her ; “ but if they will needs come, desire my good sister the queen, to write that *Lethington* and *Morton*, who be two of the wisest and most able of them to say most against me, may come, and then to let me be there, in their presence, face to face, to hear their accusations, and to be heard how I can make my purgation, but I think that *Lethington* would be very loath of that commission.” She had already affirmed to Scroop and Knolles, that *Lethington* and *Morton* were assenting to the murder, although now they would seem to prosecute the same³³ ; but her silence concerning Murray, and her pointed seie-

³³ Anderson, iv. Part i. p. 13. 88-9. ³⁴ Id. 55. 90.

CHAP. III. tion of those two to be summoned into England, 1568. indicate that she was fully apprized of the particulars of their interview with Bothwell at Whittingham, and well assured that they would not venture, in her presence at least, to accuse her of murder to which they were privy themselves.

Retracts her offer.

She wrote immediately to Elizabeth, to retract her offer, desiring to be first restored, or permitted to depart elsewhere; promising to return in order to vindicate her innocence, when reinstated in her kingdom; and protesting, that she neither would nor could reply to the false accusations of her enemies, nor in form of a process against her subjects, in which, unless their hands were tied up, there was no equality between her and them, and to which, while she remained there, she would sooner die than submit³⁵. The privy council, June 20. before whom the letter was laid, determined that it was dishonourable to restore her without a previous trial and vindication of her conduct, and dangerous to permit her to repair to foreign courts for support. On Middlemore's return from Scotland, with Murray's consent to the queen of England's arbitration as umpire, Herreis agreed that the conferences should begin immediately in the north, to be finished if possible before the month of August. A few days afterwards, when the Regent was already summoned, he declared that

³⁵ Anderson, iv. Part i. p. 97.

his mistress would make no answer whatsoever, to matters propounded by her own subjects, or to persons deputed as commissioners, but to the queen herself, concerning the crimes with which she was charged³⁶.

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These passages are recited at great length, because her apologists, from a few partial quotations of her instructions to her commissioners, have affirmed that whether she were innocent or guilty, the professed object of the conference, whatever were its issue, was to restore her unanointed and unannealed to her throne³⁷. But the early deliberations of Cecil, the very first intimations from Scroop and Knolles, the pointed and explicit answer to Herreis, Elizabeth's message, and the discourse of Middlemore, afford a full de-

³⁶ Anderson, iv. Part i. p. 18. 104.

³⁷ Tytler, i. 102. Whitaker, i. 58. That no doubt may remain of Mary's veracity, or the validity of her evidence against Elizabeth, Whitaker produces a notable argument, "that she must be the only evidence of what she only can know, the contents of Elizabeth's letters to her :" Ibid. The letters themselves, however, are a triding addition to the many fictions interspersed through the controversy as matters of fact. No doubt, Mary and Lesly chose to misrepresent the conference, as confined entirely to her restitution. But the conference could have no proper object, if she was to be restored at all events, whether innocent or guilty; and her boldest advocates will not venture to assert, that on the supposition of the fact being fully proved, that she was notoriously guilty of her husband's murder, she was entitled to be restored.

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demonstration that Mary could expect no assistance, nor liberty, till absolved from those crimes of which she was accused. She was assured, that if her innocence were fully vindicated, she should be restored with honour to her former rank, and her rebels chastised : that if the causes were doubtful, or her innocence not so clearly, to all purposes, established as could be wished, in other words, if guilty merely of culpable indiscretions, she should be restored by an accommodation as far as the justice of her cause would bear ; and the conclusion was obvious and sufficiently understood, that if plainly guilty of her husband's murder, she had no aid to expect from Elizabeth against her disobedient subjects, nor any relief from the perpetual confinement due to her crimes. The first object, therefore, of the conference was, under the form of an accusation against her subjects, to vindicate her innocence in order to restore her to the throne. She had already offered to commit her cause to Elizabeth's hands, and the intimation that she meant to utter such things to the queen, as she had never done, nor would to any, can allude only to some secret, or supposed design of her husband's, not sufficient, even in her own opinion, to vindicate her innocence, but of a tendency perhaps to extenuate her guilt. But she receded from the proposal, as soon as her subjects were summoned to England : she refused to plead or attest her innocence, unless their hands

were tied up from accusation; and as Herreis also retracted his offer, the conference was deferred.

4. When required to justify the proceedings of the confederates, Murray, in submitting to Elizabeth's arbitration, transmitted a note by Middlemore, on the solemnity of the trial; observing how dangerous and prejudicial it would prove, to accuse the queen, his sovereign's mother, and "syne to enter in qualification with her;" and if the accusation should proceed, requiring to know what might "follow thairupon in caise we preive all that we allege: utherwayis we sal be als incertayne after the caus concludit, as we are presentlie. Farther it may be that sic letteris as we haif of the queene, that sufficientlie *in our opinion* preives her consenting to the murthour of the king bir husband, sal be callit in doubt by the judges constitute for the trial, quhether thay may stand or fall, pruif or not; thairfor sen our servant, Mr. Jhone Wode" (then at London) "hes the copies of the samen letteris, translatis in our language, we wald earnestlie desyre that thay may be considerit by the judges, that thay may resolve *this* far, in caise the principal agree with the copie, that then we pruif the caus indeed."²⁸ This first intimation of a Scottish translation is important in the sequel; but by a strange misrepresentation of the fact, or perversion

CHAP.
III.
1568.
Murray's
demands.
June 22.

DISSSERTATION ON

CHAP. III. of intellect, Murray's demand is represented as an infamous proposal, to which Elizabeth acceded, 1568. that the letters should be held as authentic evidence of guilt, if they agreed with the copies, not if actually written in Mary's hand ³⁹. Murray, naturally anxious concerning the conference, was unwilling to accuse the queen, unless assured of the result, and for his own security demanded to know, 1. What consequence would ensue if his accusation were fully proved? 2. Whether, on inspecting the copies then in England, if the originals corresponded with those translations, the letters would be sustained by judges, not as authentic, but according to the Scottish law, as *relevant*, or sufficient if authenticated, to establish her guilt. "For quhen we haif manifestid and " shawen all, and yet sall haif na assurance that " it we send sall *satisfie for probatioun*, for quhat " purpois sall we ather accuse, or take care how " to pruif quhen we are not assurit quhat to pruif, " or when we haif preivit, quhat sall succeed." The demand of a previous judgment on the *relevancy* of the letters, whether they were sufficient, when produced as evidence, to substantiate the charge, is intelligible to every Scotsman; but Cecil's an-

³⁹ Stuart, i. 304-30, and more explicitly by Whitaker, i. 68. That the copies, desired to be laid before the judges, *when appointed*, were actually delivered to Elizabeth, and remained three months in her hands, is also a gratuitous fact created by inference. Id. 77.

swer corresponds with the former assurances to Mary ; That her majesty never meant to promote an accusation, or to proceed to condemnation, but to hear their defence, and to compound all differences, nor allow therein any faults that might appear in the queen ; and that no proofs would be held sufficient, unless both parties were heard⁴⁰.

CHAR.

III.

1568.

Doubtless the most artful policy was employed to induce the queen to adhere to her original offer. On her removal to Bolton, all chance of escape was precluded; and after an ineffectual application for her return to Scotland, Lord Herreis, on Elizabeth's assurance to endeavour, without delay, to procure some peaceful and honourable conclusion, agreed that the cause should be heard and determined by her majesty's appointment, as was at first intended. Elizabeth's message was carefully repeated by Herreis, in the presence of Scroop and Knolles, on his return to Bolton; That if the queen would commit her cause to her highness' order, not as judge over her, but as her cousin and friend, she would surely restore her in this form again to her throne: First, she would summon her adversaries, for deposing their sovereign, and if they could allege some reason (as her highness thinks they cannot do), then she should be restored conditionally, that they might retain their honours, state and dignities: Secondly, if they

Mary ac-
cedes to the
conference.

⁴⁰ Goodall, ii. 76-89. Anderson, iv. Part i. 107.

CHAP. could allege no reason for their proceedings, then
 III. the queen should be absolutely restored, and if
 1568. necessary, by arms, on condition of renouncing
 her alliance with France, and her claim to the
 crown of England during Elizabeth's life⁴¹.

June 28. Mary's answer was returned on the same day ;
 That afraid, on account of false imputations, to
 entrust her cause to others, yet relying on her
 sister's assurance, she was content that any two
 (commissioners) of sufficient rank should attend,
 whom her majesty might depute for such an
 important charge ; that Murray, or Morton, or
 both, as principals to whom the cause was as-
 signed against her, should attend as desired ; that
 such order should be taken with them as to her
 majesty seemed good ; but that they should use
 her as their queen, without prejudice to her ho-
 nour, crown, estate, or right as Elizabeth's pre-
 sumptive heir⁴². In this limited and reluctant
 consent, her reliance was placed, not only on Eli-
 zabeth's promise to support her cause, but on
 Morton's discretion, and on Murray's gratitude
 and fraternal affection, to which she appealed im-
 mediately, in a letter intimating the many benefits
 which he had received at her hands, and her sur-
 prise, that at a parliament recently held, he could
 find it in his heart to pursue her life⁴³. She ex-

⁴¹ Anderson, iv. Part i. p. 23. 109. ⁴² Haynes, 467.

⁴³ Anderson, iv. 117. This parliament had been held on the
 25th of June (Spottiswood, 217.), after Murray had been sum-
 moned by Middlemore, and by Elizabeth's letter, to answer for

pected, nor without reason, that they would not venture to accuse their sovereign, or if they did, she relied on the prudent reservation of her rank and honour as a pretext to recede. But the professed object of the conference was still the same; under the form of an accusation against her rebellious subjects, to vindicate her own innocence against their allegations, before she was admitted to Elizabeth's presence, or restored to her throne. If innocent, it was stipulated that she should be absolutely reinstated, and by arms if necessary: or if some reason could be alleged by her subjects, (culpable indiscretion, for instance, in her marriage with Bothwell) that she should be restored conditionally, by a mutual accommodation, and no faults allowed in her conduct. The alternative was carefully avoided, from different motives, by the two queens. But the conference was expressly instituted to vindicate her innocence, not from faults or culpable indiscretions, but from the imputed guilt of adultery and murder; and the alternative, which was unavoidable, must have been tacitly understood by both, that if plainly guilty of her husband's murder, she had no claim on Elizabeth for protection or relief.

5. The lords and abbots of her party met at Dum-
barton (September 12th), and appointed commis-

his conduct. Anderson, iv. 68. That he could find it in his heart to pursue her life in the parliament, must refer therefore to a resolution to accuse her in England.

Sept. 12,
receives
notice of
the intend-
ed accusa-
tion.

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1568.
Sept. 18.

sioners at her request for the conferences in England, with instructions evidently framed by the bishop of Ross⁴⁴. On his arrival at Bolton (September 18th), the queen, according to his subsequent confession in the Tower, informed him of the object of the conferences at York ; that Murray and his associates were summoned to answer for their unjust, and unnatural proceedings against her ; on acknowledging which they would be pardoned and received into favour again, and all differences between them compounded. She had no expectation then to be absolutely restored, in consequence of a complete vindication of her innocence ; but the sagacious Lesly anticipated at once the result of the conference. He regretted that she had agreed to any conference wherein her adversaries were to be accused ; assured her that they would utter all they could in their defence, though to her dishonour ; wished earnestly to treat first for an accommodation, before entering into any accusation ; and for that purpose advised her to employ her influence with her friends at court, or at York. She replied that there was no such danger, as she relied on finding the judges favourable, especially as she was well assured of the good will of the duke of Norfolk, with whom her marriage was already a topic of common report, and by whom his friend Sussex would be ruled ;

⁴⁴ Goodall, ii. 351.

nor would Sadler, the third in the commission, withstand their advice; and Northumberland, his lady, and the many friends whom she had in the country, would attend at York, and persuade the duke to favour and promote her cause. Sir Robert Melvil arrived in the interim, with letters from Lethington: "That Murray was and a copy
" wholly bent to utter all he could against the queen, and to that effect had carried with him all the letters which he had to produce against her for proof of the murder, whereof he," Lethington, "had recovered the copy, and had caused his wife to write them which he sent to the queen." He assured her that he would not have come into England with Murray unless to mitigate the rigours intended against her; and as he requested instructions by Melvil how to serve her, she desired him to *stay those rigorous accusations*, and by means of his former intimacy, to prepossess the duke in her favour⁴⁵. According to the explanation given by Barram, the queen's sergeant, on Norfolk's trial, Lethington "stole the letters from Murray and kept them one night, howbeit the same were but copies translated out of French into Scotch, which when Lethington's wife had written, he caused them to be sent to the Scottish queen⁴⁶." She was apprized there-

CHAP.
III.
1568.

⁴⁵ Murdin, 52.

⁴⁶ The queen's sergeant adds, "that she laboured to translate them again into French, as near as she could to the

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III.
1568.

fore of Murray's resolution to accuse her of the murder, and had received a copy of the letters from Lethington, translated into Scotch. Her instructions to her commissioners were framed according to these intimations, nearly in the same terms with those from her party in Scotland, and contained an obvious, and indeed the only defence which it was possible to make, that the letters were forged. But it is observable in her confidential instructions to Lethington, that instead of a plain disavowal of the letters, she en-

original, wherein she wrote them ; but that was not possible to do but there was some variance of phrase; by which variance, as God would, the subtlety of that practice came to light." State Trials, i. 92. This casual intimation of the purpose for which Lethington transmitted the copy to the queen, coincides with the instructions of the lords and abbots, that there is "na plane mention maid in it, be the quhilks her hienes may be convict, albeit it were her grace's hand writt as it is not, and als the same is cullit by themselves in some principal and substantious clauses." These *substantious clauses*, were probably the notes, or special points extracted by the Scottish commissioners, (Anderson, iv. 71.) and the *subtlety of the practice* was undoubtedly this, that Lethington should privately substitute or produce the queen's transcript instead of the originals, with the omission of those criminal passages which might then be opposed as interpolated in the translation. When the expedient was proposed in Scotland, Lesly inserted in the instructions of the lords and abbots that the letters were culled, or garbled, by themselves in certain substantious clauses ; but when it was found impracticable, he asserts indiscriminately, in the queen's instructions, that the letters were forged.

treats him to prevent, or stop those rigorous accusations, and to conciliate the favour of the principal judge.

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6. The conferences began in October at York. Conference at York, October 9. The commissioners for the queen of England were, the duke of Norfolk, the earl of Surrey, Sir Ralph Sadler; for the queen of Scots, the lords Livingston, Boyd, and Herreis, the bishop of Ross, and the abbot of Kilwinning, Gordon of Lochinvar, and Cockburn of Skirling; for the king, her son, the earls of Murray and Morton, Lord Lindsay, the bishop of Orkney, and the abbot, or commendator of Dumfermline, with Lethington, Macgill, Balneaves, Buchanan, and others, as assistants; and as the nobility were averse to an invidious, and dangerous task, it is probable that the regent was attended only by those who durst not dispute his commands⁴⁷. The instructions to Elizabeth's commissioners were artful, yet conformable to her former declarations: That they should assure the regent, if he were afraid, though possessed of sufficient evidence, to impeach the queen, that their mistress, how desirous soever that she should be found innocent, would surely hold her, if plainly guilty of her husband's murder, unworthy to reign, nor stain her own conscience in the support of such wickedness, by restoring her to the kingdom; but if not ac-

⁴⁷ Buchanan, Hist. lib. xix. 372. Conference with Lethington, in Calderwood, MS. ii. 244.

CHAP. cused, or apparently not culpable, unless of gross
III. misconduct in her suspicious connexion and mar-
1568. riage with Bothwell, that they should promote an-
aecommodation to restore her, under such strict
conditions as might secure the nation from her
future misgovernment, and dissolve its ancient
alliance with France. Her entire innocence and
absolute restoration were not once suspected ; and
her commissioners, though not unwilling to swear
that they would utter nothing but truth, were
startled at a preliminary oath, that they would
conceal nothing of which the truth was requisite
for a just decision⁴⁸. When the conferences were
October 8. opened (October 8th), her complaints were reduced
to writing : That her rebellious subjects rising in
arms, had seized and imprisoned her person, and
placed the crown on her infant son ; and that
Murray had usurped the supreme power under
the title of regent, and on her escape from Loch-
leven, had defeated and compelled her to take re-
fuge in England. Norfolk, whose ambition be-
gan to aspire to a marriage with the queen of
Scots, had already conferred in secret both with
Lethington and Murray, whom he tried to dis-
suade from the accusation, as a dangerous mea-
sure; never to be forgiven if her authority were
restored, and as a proof that no sentence of con-
demnation was intended, desired him to require
assurance of some immediate judgment on the

⁴⁸ Anderson, iv. Part ii. p. 12. 19. 80. Goodall, ii. 116.

evidence when produced⁴⁹. The confident assertions of Mary's commissioners, that Elizabeth meant at all events to restore her to her kingdom, concurred with their offers of accommodation, to deter the regent from any immediate accusation against the queen⁵⁰. When his answer was required, he demanded on the 9th, in a private interview with the English commissioners, whether, before he ventured to accuse the king his sovereign's mother, they were authorized to pronounce on her guilt or innocence, and to proceed to an immediate sentence according to the proofs; if guilty, whether she would be delivered up, or retained in England for the security of the kingdom; and whether his proceedings would be confirmed, and his authority maintained⁵¹. While these demands were transmitted to Elizabeth, he returned, with the reservation of an *Eik* or addition, a partial answer, in which he deduced the proceedings of the nobility from Bothwell's credit, and marriage with the queen after the murder of Darnley; vindicated their opposition, and her imprisonment, by the necessity of secluding her person, and preserving the young prince her son from the murderer of his father, her former husband; and established his own authority as regent,

CHAP.
III.
1568.

⁴⁹ Goodall, ii. 128. Anderson, iv. 52. Melvil, 95.

⁵⁰ Anderson, iv. 77. Goodall, ii. 157. Robertson, ii. 472.

⁵¹ Anderson, iv. 55. Goodall, ii. 130. See Appendix, No. XVI.

CHAP.
III.
1568.

on her voluntary surrender of the crown to her son. At the same time his assistants, Lethington, Macgill, Balneaves, and Buchanan, were sent to communicate in private to the English commissioners, as the proofs of Mary's participation in the murder, a copy of the bond from the nobility to Bothwell, with the queen's original warrant to sign it; the two contracts of marriage; her sonnets, and letters, of which last a copious account, if not a large extract from the Scottish translation already mentioned, was transmitted to court⁵². Her reply to Murray's defence was more plausible than just: That she regretted, and was ever desirous to punish the murder, but had no suspicion that Bothwell was guilty, when acquitted by a verdict confirmed in parliament, and when recommended by almost all the nobility, both her adversaries and friends, as a husband; and that the resignation of the crown was extorted by the fear of death, on the assurance of Throckmorton and her friends, that nothing was valid to which she was compelled to assent in prison⁵³.

While she triumphed, however, over her opponents in argument, her commissioners secretly trembled for the result. Norfolk, who had written to court, that the matter appeared to the commissioners to be manifest and detestable, informed Lesly that he had seen the letters and the regent's

⁵² Goodall, ii. 139-50. Anderson, iv. 64. 71.6.

⁵³ Id. 80. Goodall, ii. 162.

other defences, “ whereby there would such matter be proved against his mistress as would dis-“ honour her for ever;” and advised the bishop to confer with Lethington on some means to prevent the intended accusation, in which he might safely concur. Instead of attempting to disabuse the duke, or to persuade him that the letters were entirely a forgery, Lesly tacitly acknowledged their authenticity; and proposed a device of Lethington’s, that the queen should ratify her former resignation of the crown, “ for so should “ she stay the uttering of any matters against “ her, and within six months she would be restored to her country with honour;” and the resignation, of no more force than when she was imprisoned in Lochleven, might then be revoked; to which the duke replied, “ what of that were done “ to be quit of the present infamy and slander, “ and let time work the rest⁵⁴. ” After different consultations with Lethington, Lesly, under the pretext of preparing a reply to Murray, rode to Bolton on the 13th to confer with the queen, but before his return the conferences were interrupted and transferred to London⁵⁵. The queen therefore was fully informed, at an early period, not only of all that Murray had communicated in private to the English commissioners, but of the impression which her letters had produced on Nor-

⁵⁴ Murdin, 53.

⁵⁵ Id. Haynes, 483. Goodall, ii. 156.9.

CHAP. III. 1568. folk, and her other friends, who believed them authentic; and of the dishonour and lasting infamy which in their opinion her character would incur, if the accusation should proceed.

Conference at West-minster. 7. Whether suspicious or not of Norfolk's intrigues, Elizabeth soon perceived that no progress would be made at York. Sir Ralph Sadler was ordered up for her information to court. For the same purpose, Mary was desired to dispatch two commissioners, Herreis and Lesly, to whom Boyd and the abbot of Kilwinning were added; Murray to send Lethington and Macgill; and the conference at last was transferred to Westminster, under an artful pretext, that the commissioners might have better access to Elizabeth⁵⁶. Though still persuaded that the regent would not proceed to accusation, Mary was secretly alarmed at Norfolk's intimation; and in her additional instructions (October 21st), had enjoined her commissioners not to answer to any new allegations without her consent⁵⁷. But when Murray, unwilling to trust entirely to Lethington, repaired with his colleagues to London, her fears of the worst received new confirmation. In a letter to her commissioners (November 22d); As she meant to act the part of a loving mother towards her subjects, it was not "fit nor convenient to stand in " presence of ane foreign judgment to accuse them,

⁵⁶ Goodall, ii. 171-6. Anderson, iv. 93.

⁵⁷ Goodall, ii. 350.

“ much less *to be accused* by them, *being offenders*, from which *rigorous and extreme dealing* “ no love nor reconciliation would ensue;” therefore she authorized her commissioners to appear in Elizabeth’s presence, to extend her clemency there to her disobedient subjects, and to grant an accommodation for their past offences, on terms not detrimental to her honour, estate, title, or authority, which she would refer to no prince on earth; and if they should proceed *otherwise*, she enjoined her commissioners *to dissolve the present negotiations, and to proceed no farther therein*. An ostensible commission was inclosed, of the same date: That as Murray, and her adversaries, were permitted to come to Elizabeth’s presence, from which she was still excluded, in which they had free access to accuse and condemn her, while absent, her commissioners, unless she were admitted in person to answer before the nobility and foreign ambassadors, should break off, and withdraw from the conference, protesting against all farther proceedings as void and null⁵⁸. The letter of instructions, therefore, to offer terms of accommodation, otherwise to dissolve the negotiations, was their private warrant that contained her secret motives; the commission to demand access for her to court, their ostensible pretext for receding from the conference, if an accusation touching her honour were produced. The com-

CHAP.
III.
1568.

⁵⁸ Goodall, ii. 183-5. See Appendix, No. XVII.

CHAP. III.
1568.
Nov. 25.

mission accordingly was reserved for the last, and the conference was resumed (November 25th), without opposition from her commissioners, who were satisfied with an obscure and ambiguous protest, that they submitted to no judicial authority over their mistress, but were content to treat, without prejudice to her person, honour, estate, or crown⁵⁹.

The queen accused of her husband's murder;

Elizabeth, in addition to the former commissioners, had appointed the earls of Leicester and Arundel, Lord Clinton the admiral, secretary Cecil, and Sir Nicholas Bacon lord keeper, from whom the regent received next day, a satisfactory answer to the demands at York: That the queen's majesty, though sincerely desirous of Mary's innocence, yet if her guilt should appear indisputable, would deem her ever after unworthy of a throne; in which case she should either be delivered up or detained in England in sure custody, and the authority of the king and the regent maintained. On these assurances, Murray and his colleagues, after a decent protestation, how reluctantly they were compelled, for their own vindication, to criminate their sovereign, presented an *Eik*, or reserved addition to their former answers, affirming in plain terms, "That as Bothwell was the chief executor and perpetrator of the murder of king Henry, the queen's husband, so was she of the foreknowledge,

⁵⁹ Anderson, iv. 104. Goodall, ii. 195.

“ council and device, persuader and commander CHAP.
 “ of the said murder, maintainer and fortifier of III.
 “ the executors thereof⁶⁰.” At the next meeting, 1568.
 (Monday 29th), Lennox appeared, as if in con-
 cert with the regent, to produce his former cor-
 respondence with Mary, and to solicit justice for
 the murder of his son. The accusation was com- Nov. 29.
 municated that same day to Mary’s commissioners,
 who expecting Murray to abstain from such ex-
 tremity, withdrew to peruse it, confounded and
 perplexed, and then returned, confessedly aston-
 ished, to request time to consider such a bold
 and unforeseen charge⁶¹. After two days deli-
 beration, they appeared again, December 1st, when Dec. 1.
 Herreis delivered a preposterous harangue, that
 the charge was produced to excuse the usurpations
 and treasons of the queen’s opponents, who were
 themselves the first inventors and writers of the
 bond for the conspiracy of Darnley’s death; and
 that the very truth and cause of their usurpations,
 which he proceeds to explain, was her majesty’s
 revocation of the crown-lands; of which they had
 obtained two thirds during her tender years.

⁶⁰ Goodall, ii. 199. 203-6. Anderson, iv. 109-15-19.

⁶¹ Id. 122. According to Queen Mary’s Register, (Cotton Library, Titus, C. 12.) which Goodall has not published either correctly or entire, her commissioners declared, “ they would not receive the same (eik) to make answer thairto, because it past the bounds of their commission, but would advise with their articles and instructions, and return to their lordships again.”

CHAP. III. Lesly, instead of defending her innocence then, maintained, that as the queen was plaintiff, the commissioners could determine only on the original complaint, not on such an atrocious charge when alleged by way of defence or exception, and as he and his colleagues could proceed no farther, they required an audience in their mistress's behalf⁶². When summoned to court on the 3d, they represented, in a petition to Elizabeth, the protestation formerly lodged at the conference, against any judicial authority over their queen, and against all matters touching her person, crown, estate or honour; and as Murray had already obtained an audience, and was admitted to calumniate her honour before the commissioners, they demanded the same access for their mistress, to justify herself before the nobility, and ambassadors from foreign powers⁶³. When the first, and uniform object of the conference was to justify her innocence, before she

⁶² Anderson, iv. 129. Goodall, ii. 213-16.

⁶³ Anderson, iv. 133. Goodall, 218-23. Tytler observes, " that Mary, *being informed* of the accusation, &c. instructed her commissioners, *on the 3d of December*, to demand in her name, that as Elizabeth had given admittance, both in *private* and *public* to her accusers, she might come in proper person, &c. to vindicate herself :" (i. 115.) whereas the instructions were sent on the 22d of November, before the accusation which they were meant to prevent, and the application of her commissioners was made on the 3d. Such gratuitous facts, with which the whole enquiry is replete, would justify a severer censure than I am inclined to pronounce.

could obtain either aid or admission to Elizabeth's presence, such a requisition, at that critical moment, when accused of the murder, can admit only of one interpretation. As she had instructed her commissioners, if the proceedings were prejudicial to her honour or dignity, to break off, and dissolve the conference, under a different pretext, of obtaining the same access with Murray to Elizabeth's presence; so the protestation against matters touching her honour, and the demand of access to Elizabeth's presence, which had been refused from the beginning, were a mere subterfuge, employed by her commissioners to evade the accusation which she was unable to answer, and prevent the appearance of those letters of which alone she was afraid. With the same view, they proposed next day, in Dec. 4 terms of her letter of the 22d, that notwithstanding Murray's odious accusation, as their mistress was desirous from the beginning of an accommodation consistent with her own honour, and the security of the adverse party, the whole matter should be compounded accordingly, by her majesty's appointment: and Lethington renewed his *device* or project at York to prevent the appearance of the letters, by confirming her former resignation of the crown⁶⁴. Elizabeth's answer

CHAP.
III.
1562.

“ Tyler observes “ that the proposal, as Ross and Herreis declared, came not from the queen since the accusation had been given in by Murray, and however ill timed the motion, it would be harsh to infer from thence a presumption against her.” Tyler,

CHAP. was prompt and explicit: that it was dishonourable to propose any terms when accused of the murder, and better far to reprimand and chastise Murray for defaming his sovereign, than to enter into an accommodation, unless it were supposed that he could shew just causes for the accusation, which she should be sorry to hear; but as she had refused already to admit the queen to her presence till acquitted of the slander, much less could she receive her now, when accused of the crime. In return to the commissioners, who answered that it was unreasonable to require or receive proofs from the accusers, before their mis-

i. 117. But the fact concealed in the bishop's equivocating language, is, that the motion came from Mary, not since, but before the accusation, which her letter of the 22d, containing the proposal, was expressly written to prevent. Mary's Register is quite silent on this private proposal, (Goodall, ii. 221.) which is discovered only from the journal of the privy council. Anderson, iv. 134. Elizabeth's answer, which is quoted by Tytler and Whitaker, from Mary's Register, that she thought it very reasonable "that scho shold be heard in hir awin cause, but quhom befoir, quhen and quhair, &c. I am not as yit resolvit;" (Goodall, ii. 222.) is evidently a fiction of Lesly's; for this reason, that Mary's commissioners did not dare to insert it in their subsequent protest. Id. 229. Whitaker, i. 94. It is contradicted not only by the journal of the privy council, containing a minute account of Elizabeth's answer, but by Lesly's negotiations, that "they could have no other answer from Elizabeth or her council, but that she would not admit the queen to come to her presence, nor to be publicly heard before the nobility, nor treat, &c. unless by her commissioners." Anderson, iii. 32,

tress had appeared to shew that they could not be heard, she replied, that she meant to reprehend them, not to require proofs; nevertheless, if they persisted in their charge, she would receive whatever they should alledge in their defence⁶⁵. From their own answer, it is plain that her commissioners were fully aware, and afraid of the proofs, and from Elizabeth's reply, it appears that they were well assured that the letters and other evidence were ready to be produced. Her answer was purposely framed to counteract their avowed design to prevent, or at least not to witness the production of the letters. But when Murray appeared on Monday the 6th, to support the charge, Dec. 6. Lesly and his colleagues required to be admitted first; and as the queen's majesty meant to receive probation before their mistress were heard in her presence, they declared that they would proceed no farther, nor assent to any pretended proofs to be given in by her rebellious subjects; protested that nothing done thereafter should prejudge her honour, estate, or person, and for their part dissolved and discharged the conference; inasmuch as their queen, if admitted to Elizabeth's presence, "would declare her innocence to her majesty's satisfaction, and make her rebellious subjects unworthy to appear before a christian prince, to exhibit such contrived and inventit allegiance against their native sovereign, as hereafter to

CHAP.
III.
1568.

Dissolve
and recede
from the
conference.

⁶⁵ Anderson, iv. 136-41. Goodall, ii. 224.

CHAP. III. 1568. “ the world shall plainly be known.” Their protest was declined as a misrepresentation of Elizabeth’s answer; and they withdrew from the conference, reiterating in words that they would neither treat nor appear any more⁶⁶.

Murray and his colleagues were admitted next. When informed that her majesty was not a little surprised, that they should accuse their native sovereign of such atrocious crimes, as, if proved, would render her infamous to princes, and admonished, that although they had forgotten the duty of good subjects, she meant not to forget

⁶⁶ Goodall, ii. 227. Anderson, iv. 144. Tytler endeavours to conceal that the conference was broken off (i. 171.); but Whitaker is absolutely silent on the subject (i. 98.), endeavouring to transfer the transactions of the 6th to the 7th of December. Lesly himself informs us, that by the special command of the queen, and the advice of the foreign ambassadors, and the duke of Chatelherault, “ we refused to treat, or enter any further with them, and so the conference was dissolved and discharged on all hands, and no further done therein, and by these means, these subjects were frustrate of their intent, and of that glorious victory, whereof they seemed to triumph before the victory.” That glorious victory which he endeavours afterwards to explain away, was to convict the queen of the murder, by which alone they could be declared good subjects, but of that intent they were frustrated by the conference being thus dissolved. Anderson, iii. 32. Her early apologists were more provident, and whatever was incumbent on the queen, but omitted by her commissioners, they have supplied for her defence. Blackwood, in particular, provides them with a long answer to each article of the accusation. Jebb, ii. 242.

that of a sister and friend; they were required to state what answer they could make in their own defence. The subterfuge employed to prevent the exhibition of the letters, by dissolving the conference, was effectually counteracted by this artful device; and Murray undertook to justify and support the accusation against which the queen had protested and refused to plead. He produced that day "a book of articles, &c. in five parts; or, " a collection of the presumptions and circum- " stances from which it should appear, that as the " earl Bothwell was the chief murderer of the " king, so was the queen a deviser and maintainer " thereof." Under this designation we recognize the original of Buchanan's Detection, properly so called, written from the instructions of the privy council of Scotland, and produced at the conference, as we are well assured. The 7th and 8th of December were appropriated to the production of the letters, sonnets, and other evidence, and Boyd and Lesly returned on the 9th, to renew their protestation, which was received in a more unexceptionable form⁶⁷. They must have known that the letters, against the production of which they protested, had been actually produced on the preceding day; but the admission of their queen to Elizabeth's presence, as it had been refused from the beginning, was the more stren-

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⁶⁷ Anderson, ii. 262. iv. 146-56. Goodall, ii. 231-9. 377.

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nuously urged, because they were well assured that it could not be obtained⁶⁸. The demand itself, however, was absurd: to justify her innocence to the satisfaction of Elizabeth and the foreign ambassadors, was impossible; before the proofs of her guilt were produced; and could only serve, as it was avowedly intended, to prevent the exhibition of the letters, by declaring her subjects unworthy to appear as accusers against their sovereign. From this deduction, it appears that the original and sole object of the conference was for Mary to exculpate herself, under the form of an accusation against her rebellious subjects, from the public imputation of adultery and murder, before she could be admitted to Elizabeth's presence, or restored to her throne; but that she refused to plead when accused by Murray, and instructed her commissioners to dissolve the conference under a false pretext, in order to prevent the appearance of those letters of which she was previously apprised: Had the letters, of which she received copies from Lethington before the conference, been forged by her adversaries, her commissioners

⁶⁸ Cabala, 157. Lesly and his colleagues, when they demanded on the 6th to be admitted first, evidently knew that the letters were about to be produced; but they returned on the 9th to protest, obviously because the letters were produced on the 8th. Norfolk would give them every information of the commissioners' proceedings, Lethington and the two Melvils, of the regent's steps.

must have been prepared to join issue in the detection, the great object and the means of her vindication; to disprove the hand-writing, orthography, or identity of the originals, which Herreis had seen in the Scottish parliament; and to point out the supposed contradictions of time and place, from which we are told that it was impossible for the letters to be hers. Had the letters, however, been genuine, and her hand-writing indisputable, her commissioners must have acted precisely as they did: In the first instance, they must have endeavoured, by the interposition of Norfolk, to avert the accusation; in the second, they must have dissolved the conference while they offered an accommodation, to prevent, if possible, the production of the letters. But when Mary, informed of the infamy which her character would incur if the letters were exhibited, instructed her commissioners not to answer, but to dissolve the conference; her refusal to proceed, at that critical moment, when the letters were ready to be produced against her, confirms their authenticity, and amounts to a plain acknowledgment, that they afforded the most incontestable proofs of her guilt.

8. When Murray undertook on the 6th to support the accusation, the fatal casket was to be produced next day. The minutes of the 7th are lost; but the fact appears from the subsequent proceedings, that a part of its contents, the let-

The letters
and sonnets
to Bothwell
produced;

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ters, “tending to prove her hatred towards her husband to the time of the murder, wherein also might appear special arguments of her inordinate love towards the earl of Bothwell;” the Scottish contract at Seton, with an extract, or attested copy of Bothwell’s trial were then produced⁶⁹. On the 8th, the regent and his colleagues “came according to the appointment yesterday, and for the further satisfaction of the queen majesty and her commissioners, produced seven several writings, written in French in the like Romain hand with others her writings which were shewn yesterday, and avowed by them to be written by the queen; which seven writings, *being copied, were read in French*, and a due collation made thereof, as near as could be, by reading and inspection, and made to accord with the originals, which the said earl of Murray required to be re-delivered,

⁶⁹ The proceedings of the 7th are ascertained by the relative minutes of the 8th, the papers produced on the 7th, by the journals of the privy council on the 14th and 15th, referring to the particular papers produced each day, Anderson, iv. 150-73-4. Goodall, ii. 235-56-7. But Whitaker, on the supposition of an error of the pen or press, assigns the minutes of the 6th to the 7th, as if the minutes could be antedated both in Mary’s register, and in the journals of the commissioners and of the privy council. Whit. i. 98. n. The long letter from Glasgow in particular, was produced on the 7th, as appears from the minutes of the 9th. Anderson, iv. 168.

“ and did thereupon deliver the copies, being collated⁷⁰ : The tenor of all which seven writings hereafter follow in order ; the first being “ in manner of a sonnet⁷¹, *O Dieux ayez de*

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⁷⁰ Nothing can be clearer than this, that the letters being copied, these copies were collated by the commissioners, and made to accord with the originals, which last the privy council collated afterwards with her former letters. But by garbling the minutes, Whitaker concludes that the letters produced on the 8th, were collated with others produced yesterday, on the 7th, in the like Romain hand, and thus one forgery was compared with another ; whereas, had he read half as much as he has written on the subject, the journal of the 14th would have informed him, that the letters to Bothwell were produced partly on the 7th, and partly on the 8th. Whitaker, i. 103.

⁷¹ In the original MS. “ the first being in the form of a sonnet,” is interlined by Cecil ; and along the margin of the minute, eight references to the different writings, are marked in figures inclosed in circles. On the back of the minute, the same references are repeated, in the same form, to the number of seven, and in an adjoining column, seven other references are marked with Roman numerals in a different form. The first column in figures, refers evidently to the seven French writings, the sonnet, and letters which were first produced ; the second column in Roman numerals, refers to the seven English writings produced that day, of which the four first contain the examination and trial of the murderers ; the fifth, Bothwell’s attainder ; the sixth, Argyle’s and Huntley’s protestation in parliament ; the seventh, the queen’s declaration before the lords of session. Of the eight references on the margin, the last is probably a mistake, in proceeding to enumerate the first of the English, among the French writings. Cotton Library, Caligula, C. i. fol. 241.

CHAP. III. 1568. " *moi*," &c. The examinations, or judicial depositions, and trial of the murderers, the forfeiture of Bothwell, and the protestation of Huntley, Argyle, and Herreis, in parliament, (December, 1567,) were next exhibited ; and, according to the inaccurate language of the age, *being copied*, implies that the letters were already copied, not that they were copied then on the spot ; *being copied they were read in French*, that the copies themselves were in a different language ; *and a due collation made thereof*, is applicable not to a mere transcript, which may be rendered quite exact, but to a translation made as near as possible, by reading and inspection, to accord with the originals. The copies were delivered by Murray, " *being (then) collationed* ;" the copies therefore were produced along with the originals, which he required to be delivered back, as was afterwards done. These copies produced on the 8th, were apparently the same with the Scottish translation, mentioned in Murray's note to Middlemore, as " *copies of the letters translatit into our language* ;" by Lesly, " *as the copy which Lethington recovered* ;" by the queen's sergeant, as " *the letters which he stole for a night, to transcribe for the queen, howbeit the same were but copyes, translated out of French into Scots* ;" and as the copy, in these instances, implies the translation, so the same translation had been communicated before to the commissioners at York, and

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was afterwards published from the copy thus produced and left by Murray in Cecil's hands. When Boyd and Lesly returned on the 9th, the commissioners "were occupied in perusing certain letters "and sonnets, being duly translated into English, and "other writings also exhibited yesterday to them "by the earl of Murray and his colleagues." From this casual intimation, it appears, that the letters being duly translated, were translated into English, not then, but in the interval since the 7th, when the letters preceding the murder were produced². But the English translation, of which two letters are still extant, must be distinguished from the former, of which the language, and

² The fact is more apparent from the erasures and interlineations of the minute, which was written originally thus: "Being occupied in perusing and reading certain letters and sonnets, wrytten in French, and (*translated into*) other wrytings also (*mentio delyverit*) yesterday to them by the earl of Murray and his colleagues, (and *now being*, the said French writings being translated into English) the bishop of Ross," &c. The passages within the parentheses are erased, and "being "duly translated into English," and "exhibited," as quoted in the text, are interlined by Cecil. It appears, therefore, from the original, "and *now being*, the said French writings being translated into English," that the French writings were not only translated in the interval, but that the translation was different from the copies produced on the 8th. It is necessary to observe, that nothing remains of the proceedings at Westminster, but the first rude draughts of the minutes, nor are these entire. But the minutes, when corrected, were engrossed in the acts of the Sessions at Westminster, which have been suppressed, or lost.

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Scottish orthography were confessedly obscure : From the ignorance or imperfect knowledge of the French language, not only in the Scottish parliament, but in the English cabinet, where Cecil himself was unable to write or speak it with facility, the two translations were respectively necessary in Scotch and English⁷³; and innumerable difficulties, created by disputants, are removed by this simple explanation of the fact. On the departure of Boyd and Lesly, Morton delivered a written declaration of the manner in which the casket came into his hands, and the regent produced the parole evidence of Nelson, who had been preserved from the explosion at the king's murder ; and of Crawford, a gentleman of the earl of Lennox, who confirmed some important particulars in the letters. On the 12th of December, of which the minutes are lost, a solemn declaration, signed by Murray and his colleagues, was presented by their secretary in Norfolk's presence, that " the letters, sonnets, and contracts, " produced as written or subscribed by the queen, " were undoubtedly her proper hand writing, " except the Scottish contract at Seton, written " by Huntley, which they also understood and " perfectly knew to be subscribed by her." And on the 13th, the minutes of which are also lost, another deposition of Crawford's was produced on oath, concerning certain answers made to him

⁷³ Digges' Complete Ambassador, 146. Goodall, i. 114.

by Hepburn and Hay, two of the murderers, on the scaffold immediately before their execution⁷⁴.

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On the same day, for the purpose of examining the letters with due solemnity, the privy council proposed that the rest of the earls summoned to town on account of the trial, should be called and informed of the proceedings at Westminster, and "that the original letters and writings exhibited by the regent as the queen of Scots' letters and writings, should also be shewn, and conference thereof made in their sight with the letters of the said queen, long since heretofore written with her own hand and sent to the queen's majesty, whereby may be searched and examined what difference there is betwixt the same⁷⁵." The earls of Northumberland and Westmoreland, two popish peers and the partisans of Mary, the earls of Shrewsbury, Worcester, Huntingdon, and Warwick, were joined next day to the privy council, and the proceedings at York and Westminster were read over and explained. The book of articles, or Buchanan's Detection, containing the whole series of events as they happened, was exhibited first. "And before these articles were read, there were produced sundry letters, written in French⁷⁶,

⁷⁴ Goodall, i. 141, 257-8. Anderson, ii. 259. iv. 168-75.

⁷⁵ Anderson, iv. 252.

⁷⁶ This at first might seem to imply that the copies produced

Dec. 18,
examined
by the privy
council and
pronounced
authentic.

CHAP. III. 1568. " supposed to be written by the queen of Scots' own hand to the earl of Bothwell, and there-
 " with also one long sonnet, and a promise of
 " marriage in the name of the said queen with
 " the said earl of Bothwell, of which letters the
 " originals supposed to be written with the queen
 " of Scots' own hand, were then also presently
 " produced and perused; and being read, were
 " duly conferred and compared for the manner of
 " hand writing, and fashion of orthography, with
 " sundry other letters long since heretofore writ-
 " ten and sent by the said queen of Scots to the
 " queen's majesty; and next after those was pro-
 " duced and read a declaration of the earl of
 " Morton, of the manner of finding the said let-
 " ters: *In the collation whereof no difference could*
 " *be found.* Of all which letters and writings,
 " the true copies are contained in the memorial
 " of the acts of the sessions of the 7th and 8th
 " of December".⁷⁷ The depositions were then
 produced, and as it was now late, the confessions

on the 8th, were in French; but the context would then imply, that these copies, as well as the originals, were supposed to be written in the queen's hand. The meaning is not, that those copies, but that the letters themselves, were (originally) written in French; and the inaccuracy proceeds from transcribing in the minute a part of the title prefixed to the first letter in the Scottish translation, "a letter written by hir from Glasgow to Bothwel, quibilk letter was written in French, and here ensueth translatit word for word."

⁷⁷ Anderson, iv. 170-2. Goodall, ii. 256.

and remaining proofs were brought forward next day. "And it is to be noted, that at the time of producing, shewing, and reading of all these foresaid writings, there was no special choice nor regard had to the order of producing thereof, but the whole writings, lying altogether upon the council table, were, one after another, shewn rather by hap, as the same did lie upon the table, than with any choice made, as by the natures thereof, if time had so served, might have been." The writings were collated therefore in the most unexceptionable manner, without any particular selection or unfair arrangement; and the time bestowed on the subject was sufficient certainly for a jury to determine a plain fact; That when duly compared for the manner of hand writing, and fashion of orthography, with others her former letters, in the collation thereof no difference was to be found. "When the said earls were made participant of the whole cause," they were informed "that the queen of Scots' commissioners, being made privy to the accusation, had forborn to answer, and refused to have any further conference in this matter, pressing only to have their missress permitted to come to Elizabeth's presence to make her answer, and otherwise to make no answer at all; but the crimes for which she was at first denied admittance being now apparent, her majesty cannot without manifest blemish

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Dec. 15.

CHAP. III. 1568. " to her own honour, admit her to her presence, till these are removed. The said earls severally made answer, acknowledging themselves much bound unto her majesty, that it had pleased her to impart the state of that great cause *in so clear a manner as they did perceive it* : wherein they had seen such foul matter as they thought truly in their consciences that her majesty had just cause to make such an answer, being as reasonable as the cause could bear⁷⁸."

In opposition to the solemn declaration of these peers and of the privy council, we are told, that in comparing the letters with others produced by Elizabeth, one forgery was merely collated with another; as if in these circumstances such forgeries were as easily executed as asserted⁷⁹. The privy council was well acquainted with Mary's hand. Her letters to Elizabeth were frequently laid before the privy council, to whom she had formerly written ; and Bedford, who attended her court at the baptism, Northumberland, Arundel, and Westmorland, her secret partisans, Norfolk, Sussex, and Sir Ralph Sadler, the commissioners at York, must have known her hand writing, which they had every opportunity then to ascertain ; but they concur in the declaration ; That the original letters were duly compared for the manner of writing and fashion of orthography; with sundry

⁷⁸ Goodall, ii. 269. Anderson, iv. 177.

⁷⁹ Whitaker, i. 112.

others heretofore written, *in the collation whereof no difference could be found*. The commissioners at York in particular, who had examined the letters thrice, had the strongest inducement to ascertain their authenticity, when they declared in the beginning, that “they discourse of some things unknown to any other than the queen and Bothwell, and as it is hard to counterfeit so many, so the matter contained in them was such as could hardly be invented or devised by any other than herself.” But Norfolk was equally convinced with the rest, that the letters were genuine, and his decided belief of the queen’s guilt, is attested by his own declarations and letters. In his conversation with Lesly, he informed him that he had seen the letters, which would cover her with infamy, unless means were found to prevent the accusation. In his letters from York he wrote to Pembroke, Leicester, and Cecil, “that if the fact shall appear *as detestable and manifest* to you, as, for ought we can perceive, it seemeth here to us, that condign judgment and open declaration to the whole world may immediately appear; but if her majesty shall not allow of this, then to make such a composition as in so broken a cause may be⁸⁰.” At the same time, he informed Banister, his confidential servant, “that upon examination of the matter it did appear that the

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1568.

⁸⁰ Anderson, iv. 62-77.

CHAP. III.
 1568. " queen of Scots was guilty and privy to the
 " murder of Lord Darnley her late husband;
 " whereby I," says Banister, " verily thought that
 " his grace could never join in marriage with
 " her⁸¹." And Elizabeth, in her subsequent in-
 structions to Beal and Shrewsbury, observes that
 " we saw the proofs, by the view of her own
 " letters, fall out sufficiently clear against her, as
 " both Norfolk and Arundel did declare unto
 " us, howsoever they were afterwards drawn to
 " cover her faults and pronounce her inno-
 cent⁸²." To these deliberate and explicit decla-
 rations, no objections can be derived from the
 answer made by Norfolk, previous to his trial,
 when interrogated concerning his interview with
 Lethington, in the fields at York; " that Le-
 " thington then told him he came thither, not
 " against the queen of Scots, but on her part,
 " and *so moved* this examinant to think her not
 " guilty; and then also he *moved* this examinant
 " to like of a marriage with the said queen,
 " which offer he then refused utterly⁸³." If Le-
 thington first *moved* the duke to think her inno-
 cent, then *moved* him to like of a marriage, the
 word *move*, to persuade or propose, must in both
 instances receive the same interpretation; but it
 never can signify that Lethington *so moved*, or

⁸¹ Murdin 134.

⁸² Instructions to the earl of Shrewsbury and Mr. Beal,
 April 6th, 1583. Cotton Library, Caligula, C. 9.

⁸³ Murdin, 164.

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1568.

persuaded the duke to think her innocent, that he also moved or persuaded, rather than urged or importuned him, to like of that marriage, which the duke utterly refused. But the word is evidently used in an equivocal sense, by a faint declaration of her innocence to extenuate a marriage, to which Norfolk was instigated by ambition, when convinced of her guilt. Cecil, in a confidential letter to Norris at Paris, expresses his private opinion of her guilt with horror⁸⁴; and of four commoners and sixteen peers of the first rank, to whose unbiassed examination the letters were submitted, not one has left the smallest intimation that their authenticity was disputed or suspected in council⁸⁵. At a subsequent period,

⁸⁴ "The regent being here with the queen's majesty, vehemently charged, was driven for his defence to disclose a full fardel of the naughty matter, tending to convince the queen as deviser of the murther, and the earl of Bothwell her executor; and now the queen's party finding the burthen so great, refuse to make any answer, and press that their mistress may come in person to answer the matter herself, before the queen's majesty, which is thought not fit to be granted, until the great blots of the marriage with her husband's murtherer, and the evident charges by letters of her own, to be the deviser of the murther, be somewhat razed out or covered; for that as the matters are exhibited against her, it is far unseemly for any prince, or chaste ears, to be annoyed with the filthy noise thereof; and yet, as being a commissioner, I must and will forbear to pronounce any thing herein certainly; although as a private person I cannot but wish horror and trembling think thereof." Cabala, 15.

⁸⁵ The privy counsell of the 13th, consisted of the duke of

CHAP. Lennox, to whom her hand writing was undoubtedly familiar, expressed his private conviction to his wife, that the letters were authentic, which, as the casket was in his possession during his regency, he must have distinctly known⁸⁶.

II.
1569.
Sequel of the conference.

Dec. 16.

9. The sequel of the conference remains to be examined, as some partial quotations are selected to prove, that copies of the letters were unconditionally refused, and that the queen was deprived of the opportunity, and the very means of defence. Her commissioners attended on the 16th, to receive Elizabeth's definitive answer to their former demands. They were informed that the proofs produced by Murray should be communicated to their mistress, if she would agree to make a direct answer, in one of these three ways, either by her late commissioners at Westminster, or by a con-

Norfolk, the marquis of Northampton, the earls of Derby, Bedford, Arundel, Sussex, Leicester, the lords Clinton, admiral, Howard, chamberlain, (to whom the six earls already mentioned were added) the lord keeper Bacon, secretary Cecil, Sir Walter Mildmay, chancellor of exchequer, and Sir Ralph Sadler, chancellor of the duchy of Lancaster. Haynes, 492. Goodall, ii. 252.

⁸⁶ Robertson, ii. 347. In opposition to this, one of Mary's letters, two months after Lady Lennox's death, is quoted as a proof, that the latter acknowledged her innocence while alive. Lady Lennox's declaration would only prove, that as she never saw the evidence, she thought better of Mary than her husband did. But Mary's affirmation that Lady Lennox believed and declared her innocent, amounts to no more in the scale of evidence, than her own affirmation of her innocence, which she never failed to assert. Tytler, i. 246.

fidential person properly authorised, or personally to noblemen sent to receive her defence. They were reminded, that admission to Elizabeth's presence could not be granted even when she was suspected, much less when she was accused on strong and apparent presumptions of guilt. And they were finally admonished, that if these three modes of defence were rejected, the want of access to her majesty would never be received by the world as an excuse for submitting to such imputations, nor was there a surer method of procuring her own condemnation than the refusal to answer and to justify herself from such horrible crimes. Lesly, instead of accepting the offer, presented a series of articles, concluding that the persons whose treason she had so often pardoned, should not be received as accusers competent to appear against her, nor an example so prejudicial to princes admitted; and requiring, that if not restored to her crown, she should be permitted to depart either for Scotland or France. According to Mary's Register, Elizabeth replied, that she would neither propose, nor esteem them faithful who advised an accommodation with men who had accused their sovereign, and who should suffer severely if unable to prove their charge; but that she could make no return to the other demands till certified from the queen herself, whether she would answer according to any one of the three methods proposed. Next day a long me- Dec. 17.

DISSERTATION ON

CHAP. III. 1568. morial against the absolute admissibility of the letters as evidence, was presented by Lesly⁸⁷, who deprecates, and expressly declines a comparison of the hand writing as fallacious, or insufficient to constitute legal proof, and who implores Elizabeth in the most suppliant terms, to accomplish a reconciliation, or if that were impracticable, to restore the queen, or to suffer her to depart. Elizabeth

Dec. 21. wrote on the 21st to Mary, blaming the refusal of her commissioners to answer, and their conduct in dissolving the conference, as they said, by her express command; professing to suspend her own judgment till *an answer* were returned; exhorting her not to forbear to answer to the heavy matters with which she was charged, and recommending Lesly, evidently as a proper person to undertake her defence⁸⁸. From a report spread by her commissioners, that the regent and his company were themselves guilty of the murder, Lord Lindsay, a hot and fiery nobleman, sent a challenge on the

22. 22d to Herreis, to which this remarkable answer was returned, "that *in respect* they had accusit the queen their native sovereign, he has said, there is of that company present with the earl of Murray, giltie of that abominable treason, of the foreknowledge and consent thereto; that Lindsay was guilty of the crime he knew not;

⁸⁷ Goodall, ii. 392, where it is dated the 6th, instead of the 17th.

⁸⁸ Anderson, iv. 179-83. Goodall, ii. 260-70.

“ but let aught of the principals subscribe the CHAR.
III.
1568.
“ like challenge, and he will point them out, and
“ fight with some of the traitors therein^{89.}”

Lindsay himself he expressly acquits ; the *regent* tacitly ; and had the rest been silent concerning the crimes of the queen, no mention would have been made of their guilt. But this absurd challenge, in which Herreis is afraid to specify whom he defies, alludes either to Lethington or to Morton, whom the queen had formerly declared to be privy to the murder ; but whom her commissioners dared not to accuse, nor even to name, as the defence they would have made might have terminated in an additional proof of her consent or command.

The immediate cause of the report and challenge was instructions and answers of the 19th from Mary, to recriminate then, and not till then, against Murray and his adherents. On the first notice of this report, for which Lindsay challenged the author, Murray, with greater propriety, had applied, as conscious of his own innocence, to the privy council of England ; and Lesly and Herreis, when summoned on the 24th, were required, and undertook to support the charge. They produced and read next day, as their only accusation

Mary
crimina-
tes
on her ac-
cusers.

⁸⁹ Goodall, ii. 272. This ridiculous challenge, in which Lindsay is acquitted by name, and Murray by implication, is quoted as a presumption of Murray's guilt, as if the accusation sat not easy on him, before it was even preferred. Tytler, i. 141.

CHAP. III. 1563. against the regent, their instructions from Mary, containing her answers to the *Protestation* and *Eik* presented a month before: "that forasmuch as " Murray and his adherents had accused her of " counselling and devising the murder of her hus- " band, they had falsely lied, imputing to her " maliciously the crime whereof they were the " authors, inventers, doers, and some of them the " proper executors themselves⁹⁰." The inspec-
tion of the letters and copies of them were also demanded, which desire, according to Mary's Register, her majesty thought very reasonable, and was very glad that her good sister would make answer for defence of her honour, and desired an extract of the writing to be given in. But the writing contained no authority to renew the conference, nor any obligation to answer directly to the proofs produced, as required on the 16th: On the contrary, she renewed her demand of admittance, if the question should come to proof, to declare the justice of her cause to her *gud sister and na uther*; and her commissioners adhered to their protestations against any proceedings touching her honour; the pretext on which the conference had already been dissolved⁹¹. No offer is made to

⁹⁰ See Appendix, No. XVIII.

⁹¹ These and the subsequent proceedings are to be found only in Mary's Register, compiled by Lesly and Herreis (Cotton Library, Titus, C. 12.), which when compared with the former proceedings in the Cecil papers (Caligula) is obviously incorrect. Goodall, ii. 121-3-61. Anderson is ac-

support or prove the vague recrimination against Murray or his friends: Lethington and Morton, who were privy to her guilt, are not once mentioned; but the murder which she retorts on her adversaries a month after she was accused herself, should, if they were really guilty, have been the first charge which she preferred at York. The same in January, discriminate accusation, and the same demand, are renewed in a letter to her commissioners, dated January 2d, and presented on the 7th, wherein "she is deliberate to gif them sic instructions "shortlie, that may makethesamen mair manifest, "as occasion serves;" and requires copies of the letters, "to the effect that they may be answered "particularly, that Elizabeth and the world may "know, that her opponents were no less shame- "ful liars, than by their unlawful actions false "traitors." It is observable that the instructions, which, instead of answering the accusation against herself, *she was deliberate shortlie to send*, were no other than the protestation inclosed in a

cused of suppressing Mary's Register, but the fourth volume of his collections is incomplete, and I understand that the printing was interrupted by his death. Among his papers I found a copy of Mary's Register, corrected from the original with his own hand for the press, and as Goodall generally adheres to the errors corrected in this copy, I am persuaded that he obtained a transcript before it was corrected, when employed as Anderson's amanuensis, in transcribing the Charters of the Diplomata Scotiz.

CHAP. III. letter of the 5th, to be signed and returned by Argyle and Huntley; that Lethington and Murray, had the one proposed and the other assented at Craigmillar, to her divorce from Darnley, from which they are taught to conclude that these two were the authors of the murder ⁹². Elizabeth, in consequence of the applications from Mary's commissioners in public and private, to cover her honour by an accommodation with her

⁹² It appears that the protestation and letter were intercepted by Cecil, and answered on the 19th by Murray, who vindicates himself on the same occasion from the bond formerly mentioned (Dec. 1st.) by Herreis for the murder of Darnley. Anderson, iv. 185, Goodall, ii. 200. That bond, however, is not once mentioned in the protestation, as Lesly knew that it was signed by Huntley and Argyle, themselves. Tytler quotes an assertion of Stranguage, that he had seen and transcribed the original protestation, which Argyle and Huntley sent to Elizabeth in their own hands, ii. 31. Stranguage merely copies Camden's words. *Quid hac de re (the murder, 1567) statim publice protestati sunt Georgius comes Huntlieus, et comes Argathellus, inter Scotiæ proceres facile principes, libet hic ex autographo ad Elizabetham, quod videlicet subtexere.* Annals, 115. Rapin observes, that Camden's *statim*, immediately after the murder, was not till two years afterwards, and that not knowing the precedence, he has not ventured to annex the names of those peers to his Latin translation of the autograph which he had seen. But Tytler must have been conscious, that neither Camden nor Stranguage ever saw any original, but the one in the Cotton Library, which is abridged along the margin by Cotton, to whom alone we must impute the interpolation in Camden, of an autograph protestation written or signed by Argyle and Huntley, whom it never reached.

THE MURDER OF DARNLEY.

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subjects, had already adopted the device of Le-
thington's which was now proposed: that she
should resign the government and crown to her
son, for although the regent and his company were
accused as parties to the murder, or to her un-
lawful marriage, that was no extenuation of her
guilt⁹³. An answer to her demands was deferred,
therefore, for a few days, till her refusal on the
9th to resign her crown as the last proofs of her
guilt; for which this satisfactory reason may be
assigned, that the worst was already done, when
her letters were produced, to prevent which at a
public trial, was her chief inducement to resign
the crown at Lochleven⁹⁴. At the same time her
commissioners renewed the hopeless proposal of

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Jan. 7.

⁹³ "A memorial concerning the Q. Scots, of which some part was sent to Mr. Vice-chamberlain," (Knolles) is impertinently entitled by Goodall, "Projects for terrifying the Q. of Scots from insisting to answer and accuse Murray." Goodall, ii. 300. Elizabeth's proposal had evidently arisen from the applications made by Mary's commissioners, "for covering her honour by an appointment betwixt her and her subjects, which is communed on," says Cecil, "secretly by two or three manner of ways." Letter to Norris, January 3d. Caballa, 157. And Lesly had actually made such application in public, December 16th, when copies were offered; and again in private, in the memorial of the 17th. Goodall, ii. 265. Haynes, 495.

⁹⁴ In her conference with Beal and Shrewsbury, 1583, "touching the matter of her husband, she said the worst had been done that could be; as the printing Buchanan's book in England and France." Cotton Lib. Caligula, C. 9.

CHAP. III. 1569. an accommodation and pardon; but Murray, impatient to secure his authority at home, was admitted next day to the privy council, and according to his own account, the proceedings of the confederates were fully approved, and the authority of the king and the regent sustained. According to Mary's register, he was informed, " that as thair hes nothing bene deducit agains him and his adherentis as yet, that may impair thair honour or alledgeances; so on the uther part thair had nothing bene sufficiently proven nor schawin by thame against the quene their severane, quhairby the quene of England should conceive or tak any evil opinion of her gude sister for any thing yit sene;" and as their return became necessary, from the disorders in Scotland, she left them in the same state as before; till she heard further of the queen of Scots' answer to such things as have been alleged against her⁹⁵. By this artful declaration, it is supposed that Elizabeth avoided a decision (which was certainly not necessary when the conference was dissolved), without condemning or acquitting Mary, till her answer were received. But it is observable that the answer was neither addressed nor communicated to her commissioners who were not present; but was confined to Murray, to whom Elizabeth had no occasion to exculpate their

⁹⁵ Goodall, ii. 305-6.

mistress; and as the only entry in Mary's register of the proceedings in their absence, is *The Form of the Answer given to Murray and his complices*, we must conclude that this abstract in Scotch was framed from hearsay, and inserted to restore her to a balance with the regent, that as nothing had been deduced against him, so nothing had been *sufficiently proven, and shewn* against the queen. Her commissioners were confronted, the very next day, at Murray's desire, with his colleagues, assistants and himself, to determine, before his departure, the accusation which they had preferred. When interrogated whether they would accuse the regent, or *any of his company*, of the king's murder, they declared that they were expressly commanded by the queen to accuse him, and others his adherents, and were ready on receiving copies of the letters, to defend her innocence. But, "being also required, if they or any of them, " as of themselves, would accuse the said earl in "special, or any of his adherents, or thought " them guilty thereoff," they declined the task⁹⁶. Lesly, Herreis, and Kilwining, when challenged severally by Murray, Morton and Lindsay, declared to each, that as they were innocent themselves, they knew not who were the authors of the murder, till it was publickly revealed long thereafter, by those who suffered death for the crime;

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1569.

whom her
commission-
ers when
confronted
are unable
to accuse,
Jan. 41.

⁹⁶ Goodall, ii. 307.

CHAP. III. 1569. that although some information had since reached their ears, they came not there to acquit or condemn the regent or others, but to accuse those whom their mistress accused, whom they were ready to declare guilty whensoever she should please to point out and accuse them by name. Lesly in particular declared that he knew not himself of the regent's guilt, though ready to accuse him at the queen's command⁹⁷. In referring to the depositions of the murderers, he durst not insinuate, as he had done in the instructions of the lords and abbots, that they who suffered on the scaffold had acquitted the queen, and deposed that her accusers were the authors of the murder; much less assert, as in the defence of her honour, that such were their last confessions, in the presence of five thousand, at the place of execution. Herreis durst not renew his challenge, when required to point out or fight with some of the principals, nor when interrogated by Murray, Morton, or Lindsay, did he venture to assert in their presence, as he had done in their absence on the 1st of December, " that the ~~accusers~~ themselves were the " devisers and inventors of that devilish band for " the murder of Darnley, as was made manifest " before ten thousand people at the execution of

⁹⁷ Goodall, ii. 307. Anderson, iii. 34. Whitaker, to conceal the refusal, has suppressed the transactions of the 11th, while Tytler introduces an absurd story of a Scotch appeal. Whitaker, i. 143. Tytler, i. 52.

“ the principal offenders at Ediaburgh.” From his silence then, he was ignorant of a fiction uttered afterwards by Lesly, that a few days after the crime was committed, Herreis accused Murray at his own table, of informing a nameless servant, on the evening preceding the murder, as he rode through Fife, “ this night ere morning the Lord Darnley shall lose his life ⁹⁸.” Murray offered at last to proceed to Bolton, to the queen’s presence, to which her commissioners objected ⁹⁹; and his conduct was precisely that of a person conscious of his own innocence, who solicits openly the accusation which he defies. But her commissioners, according to their own account, were reduced to the disgraceful situation of men obliged to assert her innocence when convinced of her guilt. They knew that Morton was privy, and Lethington accessory to the murder, but endeavoured to transfer their guilt to the innocent, whom they accused indiscriminately, and without naming them, in order to repel the accusation against the queen. But when confronted, and required to substantiate the charge, they had no proof whatsoever to produce, and could neither attest their belief that the regent or any one of his adherents was criminal, nor utter a single report to his prejudice, nor even accuse the guilty,

⁹⁸ Tyder, i, 786. Goodall, ii. 239.

⁹⁹ Id. 309.

CHAP. III. lest the proof of the queen's guilt should be involved in their defence.

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The regent, against whom there was no proof nor presumption, obtained an audience of leave next day. He remained, however, above a week longer, by listening to a negociation for Norfolk's marriage, to secure himself from assassination on the road; and his life was preserved only by the duke's interposition with Mary, who, to obtain possession perhaps of the letters, was privy, and apparently instrumental to the design¹⁰⁰. She had neither accepted any one of the three modes of defence as required on the 16th, nor agreed, in her demands of copies on the 25th of December, and on the 7th of January, to make a direct answer to the charge. An answer to these demands had been deferred therefore for a few days, in consequence of the plan devised by Lethington, for the resignation of her crown. As her refusal of this proposition on the 9th, contained an offer, not to vindicate her innocence, but to accommodate every dispute with her subjects, her commissioners on the 13th received an explicit answer hitherto unpublished, which, as explanatory of Elizabeth's motives, is inserted entire,

Their final
refusal to
answer or
defend her
innocence,
Jan. 18.

¹⁰⁰ The design was to murder him near Northallerton, to which it appears, from Lesly's confession, that Mary was privy. Murdin, 46, 51-4. Melvil, 99. Robertson, ii. 481.

*Answer to the Q. of S. commissioners, by the council,
written by Sir William Cecil, to the demands of
the Q. of S. to have such letters and other writings
as wherewith the said Q. hath been charged,
Jan. 13, 1568.*

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1569.

“ Her majesty meaneth not to deny to the said
“ Q. the sight of the true copies of the said writ-
“ ings. But before the same be delivered, her
“ majesty of a very sincere good meaning to have
“ the said queen’s cause come to the best effect that
“ it may for her commonweal, likewise her ma-
“ jesty thinketh that such her ministers ashewe any
“ inward care of her, without respect partially to
“ any other; thinketh it good the said queen were
“ seriously moved to consider, that the said writ-
“ ings delivered, she must of necessity make an-
“ swers without any cavillation, for lack of her
“ admittance to the presence of her majesty, and
“ such like; and by that answer it must needs en-
“ sue that the said queen shall be proved either in-
“ nocent or culpable of the horrible crimes whereof
“ she is but as yet accused, and not convicted.
“ And if she should not by her answers prove her-
“ self innocent, then of necessity the queen’s ma-
“ jesty can never with her honour shew her any
“ favour; and therefore this being considered of
“ by the said queen, with advice of such as love
“ her for herself, without other respect, if she
“ mean rather to put the whole matter upon di-
“ rect trial, than to have her cause otherwise

CHAP. III. 1569. " ended, for her quietness and for her honour also,
 " then so as she will by her hand writing to the
 " Q. majesty declarē her meaning to be that, if she
 " will not prove herself clear and free from the
 " crimes imputed to her, that she will be content
 " to forbear request of any favour of her majesty
 " which her majesty desireth her to have in writ-
 " ing, to the end if the cause should so fall out,
 " then she might have good reason upon the said
 " queen's own contention, to forbear her favour;
 " and contrary ways her majesty is determined,
 " if she may be proved free, to offer her as much
 " favour as may be required reasonably, and for
 " the inward troubles in the realm her majesty
 " must needs maintain ¹⁰¹."

This answer is confirmed by Mary's Register, which conceals only Elizabeth's visible reluctance to proceed to conviction: "That scho will not
 " refuis unto the quene, the doubles of all that
 " was producit, but her hienes that scho may be
 " certifyit of her mind befoir the samen be de-
 " liverit, will have a special writing, signet with
 " hir awin hand, promising that scho will answer
 " to the writingis and thingis laid to her charge
 " bot (without) any exception. And in case scho
 " sall sufficientlie defend her innocence, then hir
 " hienes will favour support and ayd hir accord-
 " ingly as the samen requiris and becomis a ne
 " prince to do to another. And in cais scho cleare

¹⁰¹ Cotton Lib. Caligula, C. 1. fol. 281.

“ not her innocence, as God forbid, then your
 “ mistress sould luik for na farder support nor
 “ ayd at hir majesties handis. And after the
 “ receipt of her writing of the said tenour, then
 “ your mistress sall have the doubles of all the
 “ writings, to make answer as scho sall think
 “ guid. The queen’s majestie desires sic writing
 “ because scho understandis that your commis-
 “ sion is expyrit, seen ye did discharge the con-
 “ ference at Westminister, and by your last
 “ writings ye resevit, have power to require the
 “ copies, bot not to make answer¹⁰².”

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1569.

These conditions are strictly conformable, not only to the original object of the conference, but to the definitive answer, December 16th, in which the first unsolicited offer of copies was made. Her commissioners however replied that the obligation was unnecessary, as the queen, in her writings produced December 25th, and January 7th, had offered, on *certain conditions therein expressed*, to make answer if she obtained inspection or copies of the letters: “ quhilk answer she
 “ wald only make for satisfying the queen’s ma-
 “ jesty hir gude sister: albeit quhatsomever thing
 “ was producit by hir rebellis sen the *discharging*
 “ the conference at Westminister the vi day of
 “ December last past, was bot inventit sclanderis
 “ and *private writings* quhilk could not prejudge

¹⁰² Goodall, ii. 310.

CHAP. III. 1569. "her in any wise¹⁰³." The conditions there-
in expressed, were her appearance before the
queen's majesty and foreign ambassadors, and the
reservation of the former protestations touching
her honour; but the instructions themselves give
no authority nor promise to answer as Elizabeth
had required, without which the conference would
have been again dissolved, on the same, or some
new exception, when the copies were obtained.
But her commissioners, obviously to evade the
offer, declared further, that as Murray and his
adherents, when publickly accused, were permit-
ted to depart, it appeared not convenient nor meet,
that *their sovereign should make any further an-
swer*¹⁰⁴, unless her rebels were detained; and de-
manded the same leave for their mistress and
themselves to depart for Scotland. They were
informed that Murray had engaged to return

¹⁰³ The apologists for Mary, who maintain, in opposition to Lesly and to Mary herself, (Haynes, 504.) that the conference was not dissolved on the 6th or 9th of December, but prolonged till Murray's departure with the box and letters, forget that as her commissioners protested on the 6th, that they would no longer proceed in the conference, so they met no more with the English commissioners, unless to renew their protest on the 9th; and that the subsequent proceedings were before the privy council. Tytler, i. 173.

¹⁰⁴ On this final refusal to answer, Tytler merely observes, that the commissioners took hold of the opportunity to urge another point (Murray's departure), i. 157; but Whitaker is silent as the grave, i. 149.

with his colleagues when required by Elizabeth; that they might obtain the same permission to depart themselves, but that the queen's departure was inadmissible for different respects; to which they replied that they could do no less than desire their queen to be sent back to her own country, as they had oftentimes desired before; and instead of accepting the offer of copies, on the condition of making a direct answer to the letters, without exception, they protested that nothing done by their mistress, while detained in England, should prejudge her person, authority, honour, or estate. The accusation against Murray and his associates, had no necessary connexion with her innocence or defence, as their guilt could neither disprove nor extenuate hers. But as Murray remained in London above eight days, the fairest opportunity was certainly afforded to renew the conference, and by accepting the single condition on which the inspection or copies of the letters were offered, to vindicate her innocence by a direct answer and detection of the forgery, or to detain the regent in England, if any serious accusation, or a single proof could be produced of his guilt. Her defence might proceed in his absence, had he chosen to depart when the conference was renewed; and her commissioners received a solemn intimation, that she should obtain the support due to her rank and misfortunes; in other words, would be restored to her throne, if her innocence

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were fully proved. The demand of copies, without a reciprocal obligation to answer to the letters, without exception, was merely an ostensible pretext to object to their relevancy, or the competency of the accusers, and can only signify that no direct answer was intended to be made. But her commissioners, to avoid the offer of copies, and the obligation to answer directly to the letters, renewed their demand and protestation for her departure, which they knew would not be granted, and they absolutely refused to defend her innocence, because the regent, against whom they had no proof nor charge to substantiate, was permitted to depart¹⁰⁵. Her conduct throughout, was the reverse of the regent's, who, conscious of his own innocence, twice challenged an accusation on the mere surmise and report of his guilt. In the first instance, to prevent the production of her letters, she instructed her commissioners to dissolve the conference, on the refusal of admission to Elizabeth's presence, to declare her innocence before the letters were produced: in the second instance, when an opportunity was twice offered to renew the conference, and proceed to an examination and detection of the letters, she declined the investigation and offer of copies, evaded every obligation to answer, and absolutely refused to defend her innocence, because her accuser, on whom she attempted to recriminate without a proof, was permitted to depart.

¹⁰⁵ Goodall, ii. 313.

10. When the conferences were finally concluded, Mary transmitted to her partisans in Scotland, letters filled with the most chimerical fictions which the brain of an intriguing woman could have possibly devised. Not a word was mentioned of the accusation against herself; but she asserted, that when the conferences were transferred to Westminster, Murray had formed a secret treaty with Elizabeth's ministers, to deliver up the person of the young prince, and the castles of Edinburgh, Stirling, and Dumbarton, to the English; to hold Scotland as a fief dependant on the crown of England, and by letters of legitimation to be called himself to the succession on the death of her son. By another league with the earl of Hartford, the latter was to marry one of Cecil's daughters, to secure his succession to the English throne; and from the mutual support of their respective pretensions, her son's life, if delivered to Elizabeth, would be no obstacle to Murray's accession in Scotland, or to Hartford's in England. When one of these letters, intercepted on the borders, was shewn to Mary, the ready pretext of forgery occurred again; "that she suspected that a Frenchman, now in Scotland, might be the author of some Scotch letters devised in her name¹⁰⁶." The same familiar pretext was employed on her trial, that it was easy to

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The queen's intentions concerning the conference.

¹⁰⁶ Haynes, 500-3. Robertson, ii. 478. Whitaker, iii. 48.

CHAP. III. 1569. forge the hand writing or the cipher of another, which she was afraid that Walsingham had practised for her destruction ; although the most incontestable proof remains, from her own letter, that she had accepted Babington's offer to assassinate the English queen ¹⁰⁷.

Conclusion. 11. Of these tedious deductions, in which it was necessary to state, or recite at length, each step of the controversy, the result is decisive : That the sole danger to which the queen was exposed in Lochleven castle, was a judicial trial or investigation in parliament, and the consideration therefore, for which she was required to resign her crown, to preserve her life, and if possible her honour, can refer to nothing else than her letters and sonnets, the sole proofs that endangered either ; that Murray's assurance of her life, and as far as in him lay, the preservation of her honour, must refer to the same proofs of her guilt ; and that no adequate reason can be given for resigning the crown to preserve her life, and if possible her honour, but her conscious dread and conviction of the evidence that endangered both : That the whole casket was exhibited in the privy council, and the letters inspected by the lords of articles, produced in open parliament, and approved as authentic without opposition from her friends :

¹⁰⁷ Murdin, 583. Hume, v. Note Z. Stewart's Life of Robertson.

That the original and sole object of the conference in England, under the form of an accusation against her rebellious subjects, was to vindicate her innocence from the public imputations of adultery and murder, before she could be admitted to Elizabeth's presence, or restored to her throne; but that she should be restored, if innocent, unconditionally by arms; if guilty merely of culpable indiscretions, conditionally by an accommodation; and the conclusion was obvious, and sufficiently understood, that if plainly guilty of her husband's murder, she had no claim for protection or aid: That she receded at first, on perceiving her adversaries might become her accusers, and was only induced to accede to the conference by the vain expectation that they would not venture to accuse their sovereign; by the assurance of Elizabeth's friendship, and from the despair of otherwise obtaining her release: That she confined her accusations to their usurpation of the government, when conscious herself that Morton and Lethington *were assenting to the murder*, which they seemed to prosecute; and employed the latter, to whose guilt she was privy, to conciliate Norfolk's favour, and prevent, by their joint intrigues, the accusation intended by the regent, that she was the chief author of her husband's murder: That when furnished by Lethington with copies of the letters, and when informed of the evidence communicated at York to the English commissioners;

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1589.

and of the infamy which in Norfolk's opinion her character would incur if the letters were divulged, she instructed her commissioners not to answer at Westminster to any new allegations, but if the proceedings touched her honour, to break off, and dissolve the conference, under the pretext of Murray's admission to court: That her commissioners, as a measure of precaution, introduced accordingly an obscure protest, that they were content to treat without prejudice to her honour; but when the accusation was unexpectedly preferred against her, they refused to answer unless their mistress was admitted to Elizabeth's presence, a favour which had been denied from the beginning; and while they applied privately for an accommodation, to prevent the charge, protested against any future proceedings on the same day that the proofs were exhibited; and renewed their protestation that the conference was dissolved, when they knew that the letters were already produced: That Mary, therefore, at that critical moment, when accused of the murder, shrunk from the charge, by dissolving the conference, and ratified in fact the authenticity of the letters, to which her refusal to answer constitutes a full and direct acknowledgment of the proofs of her guilt: That the letters exhibited to the commissioners were examined by the privy council, in presence even of her own partisans, and " compared " for the manner of writing, and fashion of ortho-

" graphy, with sundry others, her letters to Elizabeth, long since heretofore written, in the collection whereof no difference could be found :" That Elizabeth offered immediately to communicate the evidence if she would agree to make a direct answer, without exception ; instead of which she attempted merely to recriminate on Murray, whom, had she believed him guilty, she should have accused at first, but maintained a guarded silence concerning Morton and Lethington, when conscious that the one was privy, and the other accessory, to the murder : That the offer, on a vague application for copies, was conditionally renewed, if she would engage by a written obligation to answer ; but that her commissioners absolutely refused to answer, under the pretext that Murray, against whom they had nothing to produce, was permitted to return ; That instead of embracing the last opportunity to vindicate her innocence by detection of the letters, they declined the offer, and broke off the investigation for ever, by a peremptory demand for her departure from England, which they were well assured would not be obtained : And the plain and obvious conclusion, that she recoiled from every enquiry into the proofs of her guilt, and attested thereby the authenticity of the letters of which she was conscious, can admit of no dispute.

12. The conclusion is confirmed, not invalidated, by her demand to be heard in person, before

CHAP.
III.
1569;

Confirmed
by Mary's
descence.

CHAP. III.
1569. Elizabeth and the foreign ambassadors, as the scope and nature of her defence, if admitted to an audience, can be distinctly explained. Her design was not to disprove the authenticity, but to prevent if possible the production of the letters, and to declare her rebellious subjects incompetent accusers, unworthy to be heard against their sovereign prince. Lesly, in his protestation on the 6th of December, represents it as a preposterous order never used in any treaty or conference, nor even in the extreme forms of criminal justice, to receive probation before the other party were heard to answer to the allegiance; more especially in so weighty a cause¹⁰⁸. Lesly, like other churchmen of the age, was bred to the law, which he had studied or practised for twenty years¹⁰⁹, and the demand is evidently founded on the Scottish practice of determining the *relevancy* before the proof is received. A denial of the letters was the obvious, and sole defence which it was possible to make. But in Lesly's instructions from the lords and abbots of Mary's party, " gif it beis
 " allegit that her majesty's writing, producit in
 " parliament, suld preiff hir grace culpabill, it may
 " be answerit that their is na plane mention maid
 " in it, be the quhilks her hienes may be convic-
 " tit, albeit it were her awin hand write, as it is
 " not, and als the same is cullit be thameselves in

¹⁰⁸ Goodall, ii. 229.

¹⁰⁹ Id. 387. Anderson, i. 2.

“ sum principal and substantious clauses : and sic CHAP.
 “ allegit privy writings can make na probatioun III.
 “ in criminal causes quhilk suld be clearer nor
 “ the light of day ; and swa be the said writing

1569.

“ nathing can be inferrit agains hir majestie¹¹⁰.”

In these instructions, signed by Huntley, Argyle, and eight others, present in parliament when the letters were produced, the faint alternative, *albeit it were hir awin hand write, as it is not*, is explained immediately, not that the letters were forged, but als the same is *cullit* (collated or garbled) in some substantial clauses merely, by the accusers themselves. No reliance is placed, however, on this feeble allegation, but on the legal arguments against the relevancy ; that private letters bear no faith in criminal causes, and that no plain mention is made of the murder to convict the queen.

The forgery is more explicitly asserted in her own instructions to her commissioners at York, on receiving copies of the letters from Lethington,

“ In case thay allege thay have ony writings of
 “ mine, quhilk may infer presumption againis me
 “ in that cause, ye shall desyre the principallis
 “ to be producit, and that I myself may have in-
 “ spectioun thairoff and make answer thairto :
 “ For ye sall affirm in my name, I never writ ony
 “ thing concerning that matter to any creature,

¹¹⁰ Here and elsewhere, Goodall's inaccurate transcript (ii. 361.) is corrected from Anderson's MS. collated with the original of Mary's Register. Cotton Lib. Titus, C. 12.

CHAP. III.
1562.

" and gif ony sic writingis be, thay are false and
 " feinziet, forget and inventit be themselves, onlie
 " to my dishonour and sclander: And thair is
 " divers in Scotland, baith men and women, that
 " can counterfeit my hand writing, and write
 " the like manner of writing quhilke I use, as
 " wel as myself; and principally sic as are in com-
 " pany with thameſelves: And I doubt not gif I
 " had remained in my awin realme, bot I wald
 " have gotten knawledge of the inventors and
 " writeris of sic writings or now, to the declara-
 " tion of my innocence and confusion of their
 " falzet¹¹¹."

A hand writing which sundry persons of each sex could counterfeit and write as well as the queen herself, is an absurd and extravagant objection to every comparative proof of the letters. If such persons were in the regent's company, the queen could be at no loss to discover by whom the letters were forged; and her commissioners could have no motive to prefer the safety of Morton, Buchanan, or Lethington, to the defence of her honour. But the best explanation of these, and of the former instructions is Lesly's memorial to

¹¹¹ Goodall, 342. By the like manner of writing quhilke I use, Mary undoubtedly meant that many could write the same *Roman* hand; in imitation of *Italic* print. But her commissioners were left to assert or believe if they could, that divers in Scotland baith men and women could counterfeit her exact hand writing, as well as herself.

Elizabeth, December 17th, replete with all the CHAP.
 quibbling objections of a Scottish advocate to the III.
 relevancy of the letters as legal evidence, and main-
 taining that nothing can be alleged against her to
 verify the letters, “ but presumptions *quaे non*
 “ *sunt adeo vehementes ut contra quos non admittatur*
 “ *probatio in contrarium*, and these not so vehe-
 “ ment but greater presumptions may be dedu-
 “ ced to the contrary ¹¹².” The opposite pre-
 sumptions which he proceeds to state, are the im-
 probability that so wise a princess, of such renown
 through Europe, so prudent and circumspect in
 her conduct, would condescend to such a cruel
 and ungodly deed; much less that a person of
 common prudence would commit the fact to
 writing; as if prudence were always the conco-
 mitant of great crimes: That these and other
 presumptions of her innocence being more vehe-
 ment and probable than those of her guilt, *pro-
 niores debemus esse ad absolvandum quam ad accu-
 sandum*, especially in the cause of princes, of whom
 Trajan, even after their death, would hear no
 disparagement; that the contrary presumptions
 can have no strength, since his mistress constantly
 affirms, that the letters are forged by her adver-
 saries to colour their usurpation; “ as thair are sun-
 “ dry quha can counterfeit her hand write quhilks
 “ hes bein brought up in her companie, of the

CHAP.
III.
1569.

" quhilk there is sum assistants to themselves, as
 " well of uther nationis as of Scottis; as I doubt
 " not bot your majesty and divers others of your
 " hienes court, hes seen sundrie letters sent here
 " from Scotland, quhilk wad not be kend be her
 " awin hand write, as sall presentlie be made
 " knawin that sic thingis may be, and hes been
 " usit: and it may be well presumit that they
 " quha have put hands on their prince, imprisonet
 " her person, and commitit sic heinous crimes,
 " gif a counterfeit letter be sufficient to save them
 " &c. will not leive the samen unforgit, *cum si vio-*
" landum est jus imperii causæ violandum est, and so
 " it being disallowit be the allegit writer, the pre-
 " sumption suld be the greater for her innocence
 " nor to repute her majestie culpabill for sic fri-
 " vole and vain allegit writingis ¹¹³."

If her hand writing had been counterfeited by sundry, Scots and others even of the regent's assistants, a single proof of such forgery might have sufficed for her vindication. But the strange assertion, that Elizabeth and her court had doubtless seen sundry letters from Scotland, not to be distinguished from her own hand writing, amounts in fact to a disavowal of every former letter with which the present had been compared, to support the absurd conclusion, that her mere denial should outweigh the opposite affirmation that the letters

produced as positive proofs of her guilt were authentic, without examining whether they were authentic or not. Lesly accordingly proceeds to deprecate all proofs whatsoever of the letters.

CHAP.
III.
1569.

“ And in caise hir adversaries will affirm it to be
 “ hir awin hand writing, they are nather lachful
 “ accuseris nor witnesses, being first accusit of
 “ sic greit crimes as imprisoning of their prince,
 “ and sic other hainous doings as they are culpa-
 “ bill of, and hir majestie wald lay to their charge,
 “ gif hir hieness war present; quhairoff they
 “ sould first purge themselves or they either by
 “ law or reason be admitted to accuse any private
 “ person, lat be their prince; and gif thay wald
 “ press to verify the samen be comperison of let-
 “ ters, the samen is na way sufficient, *cum de jure*
 “ *fallacissimum genus probandi fit per comparationem*
 “ *literarum*, quhilk requires mony infallibill rea-
 “ souns, or it be found sufficient to verify, as be
 “ authentick writings publishit, undoubtit, and
 “ not denyit, with mony utheris contenit in the
 “ laws quhilk in this case will not be found. For
 “ the allegit writings are na ways authentick, nor
 “ can make any kind of faith or presumption, in
 “ respect thai are writings in forme of missive
 “ letters or epistles, quhilk makes na faith, spe-
 “ cially quhairin the same, no words dispositing
 “ or giving express command are contenit, as in
 “ this may be seen; and alswa they are not sub-
 “ scribit by the allegit writer thereoff, nor scillit

CHAP. III. 1569. " nor signetit: and contains na dait of year
 " month or day, nor yet direct to na man; and
 " in the samen their is mention made of ane
 " beerer, as is allegit, quha was never yet knawn,
 " as did receive them from hir, or delivered them
 " at hir command to any uther in the warld"¹¹⁴.

Here it appears that he knew minutely the contents of the letters, from the copies which Le-thington had transmitted to the queen. As the day of the week (Saturday) is annexed only to a single letter, he affirms that they contain no date of year month or day (of the month): as Paris is only twice named; and was not then apprehended, that the bearer mentioned in the letters was never yet known to have received or delivered them by her command. To her adversaries he objects, that they were neither lawful accusers nor witnesses, till acquitted of usurpation and other crimes of which the queen would accuse them; when the letters were expressly produced as a complete ex- cution from these crimes. He declares that her hand writing had been frequently counterfeited, yet durst not specify when, or by whom; and affirms that the letters were forged, yet deprecates a proof *comparatione literarum*, which, as being fal- lacious or insufficient to constitute legal evidence, he expressly declines. His defence rests on the most contemptible objections to the *relevancy*, or

¹¹⁴ Goodall, 389. On this occasion Goodall's inaccuracies are corrected from the original.

admission of the letters as evidence; that deeds in the form of missive letters bear no faith in judgment, and that the letters in question contain no *dispositive clause*, or express command to commit the crime, and are destitute of those solemnities or public forms which the law requires; that they are neither signed by the alleged writer, nor sealed nor signeted (that they had neither passed the great or privy seal, nor the royal signet), without date, direction, or the bearer's name, who was not yet discovered; and from letters deficient in those legal forms, he infers that nothing can be proved against a private individual, much less against a sovereign prince. These, and other very probable and reasonable defences, and accusations against her adversaries, he concludes that his mistress would propose, if admitted to Elizabeth's presence¹¹⁵, from which we discover the scope and extent of her whole defence. If admitted to an audience her defence would have terminated in

CHAP.
III.

1569.

¹¹⁵ He adds, "that albeit thair be sum slight presumptiounis alledged, quhilk mucht seeme to mak sumquhat againis my soverane, zit the samen are not sufficient to induce ony kind of pruif aganis hir majestie, especiallie quhair as vehement and greiter presumptiounis appear in the contrair?" Goodall, 390. Those slight presumptions were her letters to Bothwell; the more vehement presumptions to the contrary, that private letters are not like public instruments, legal evidence. According to Lesly's argument, nothing less than letters under the privy seal or signet could convict the queen of adultery and murder.

CHAP. the most futile presumptions of her own innocence; the most frivolous objections to the production or comparison of the letters with the former writings: and when these were overruled, the conference would have been dissolved by a protest or appeal to the foreign ambassadors, that private letters were inadmissible as evidence, and that her rebellious subjects were incompetent accusers, unworthy to be heard. In Lesly's defence of Mary's honour, the same presumptions and objections are resumed. He declares that the letters are forgeries, and have nothing criminal in them; yet demands, at the same time that he decries a proof *comparatione literarum*, as of all others the most inconclusive and weak¹¹⁶; but the absurd arguments to which he resorts, that missive letters bear no faith, especially as they contain no express injunction to commit the murder, nor the solemnities requisite in public deeds, are in fact the strongest attestation that the letters were genuine of which he declined a comparison with her former writings; of all others the most incontestible proof of their authenticity, and undoubtedly the most obvious means of detection.

¹¹⁶ Anderson, i. 21.

CHAPTER IV.

The Letters.

HERE then I may securely rest, and before we proceed to a critical examination of the letters, and sonnets, let us admit for once, that whatsoever Mary's apologists have asserted is true, and whatever evidence her opponents have produced is false. Let us admit with Whitaker, that her adversaries have produced two caskets, like the two Dromio's, when there was, in fact, but one, which instead of letters, sonnets, or contracts, contained the jewels of which they had ^{preliminary objections to the letters} spoilt the queen on her removal to Lochleven.¹ Let us admit that the letters were not intercepted on the 20th of June, nor Dalgleish, the supposed bearer, apprehended till July 18th, because his name is not once mentioned by Throckmorton till then.² Let us believe that the first idea of the forgery originated on the 24th of July, above a month after the date assigned for the discovery of the letters; that to implicate Mary in the murder of her husband, was then the design, but that it was

¹ Whitaker, I. 210.

² Id. 245-97.

CHAP. V. altered or limited, in a subsequent draught of the letters, to her adultery with Bothwell.³ Let us also admit that the letters were forged a third time when produced in the privy council, December 4th, to the number of four or five, in the Scottish language, with subscriptions, dates, directions, but (as Mary retained her own signet in Lochleven castle,) without the guard or impression of a seal:⁴ that they were forged anew, before the parliament met on the 15th, in order to abstract the signatures and directions to Bothwell;⁵ and that the same letters, in July 1568, were sent to England as translations from the French, when the idea of a French original first occurred.⁶ According to the same author, the French sonnets were then forged; (as were also the contracts in September,) to support the evidence of the adulterous letters, which were produced at York, to the number of five, in their original Scotch, dated half at Glasgow, half at Stirling;⁷ but in the interval between the two conferences, they were again forged and produced at Westminster, in the French language, and without any dates.⁸ Let us farther admit that their number was still five; as of seven French writings, produced on the 8th

³ Whitaker, I. 348-72. ⁶ Id. 406.

⁴ Id. 361-9-410.

⁵ Id. 377-401.

⁷ Id. 486-509-13.

⁸ Id. 415-95-511.

of December, there were five letters, the sonnets, and contract; but that others just appeared on the 7th, and were again withdrawn; and that three additional letters were afterwards forged, as eight letters were afterwards published.⁹ In short let us allow with Goodall, that a man might easily forge an hundred of the queen's subscriptions in a single day;¹⁰ with Cafnden, that Lethington privately intimated that he had counterfeited the queen's hand more than once; or with Whitaker, that it was almost as easy to execute, and to repeat the forgery, as to assert that the letters were five times forged. Still, however, when these assertions are all admitted, her refusal to answer, unless to the *relevancy*, when copies had been twice offered if she would return a direct answer to the letters themselves, constitutes a full acknowledgment that the supposed forgeries were her genuine handwriting, the authenticity of which she was unable to dispute.

1. But the supposition of such multiplied forgeries is absurd. Her adversaries were too eager and intent on her guilt, to involve themselves in a long train and repetition of forgeries, so exposed to detection, when a single concise fabrication

⁹ Whitaker, I. 448-50-60. To those conclusions, stript of all declamation, I have reduced the greater part of the first volume of Whitaker's *Vindication*.

¹⁰ Goodall, I. 51.

CHAP. IV. would have sufficed. A critical examination of the letters, sonnets, and other evidence, is an ungracious task which I would wish to decline; but as every work should be complete in itself, I descend with reluctance to a personal contest with writers whose scurrilous invectives are founded upon a gross perversion of the plainest facts. Nothing, for instance, can be more distinct and explicit, than Paris's declaration concerning the two caskets; that with the exception of a short conversation the day after the murder, " La Royne ne
 " lui dict chose de consequence jusques a ce qu'elle
 " yotulloyt aller a Seton, alors elle luy commendast
 " de prendre une cassette ou il y avoyt des corce-
 " letz d'escus, que le thesaurier luy avoit apporté
 " de France, pour la porter à la chambre de Mon-
 " sieur de Bodwel, qui etoit a ceste heur la loge
 " dedans le palais, au dessus de la chambre la ou
 " se tenoit le conceil. Et *puis apres* lui commandast
 " de prendre son coffre *des bagues*, et les fair porter
 " au chasteau, et les delivrer entre les mains du
 " sieur de Skirling, *pour lors* capitaine soubz
 " Monsieur de Bodwel, chose qu'il feist."¹¹² A casket containing French crowns was sent to Bothwell's chamber, February 21. when they went to Seton; afterwards the box with her jewels was sent to the castle, where the laird of Skirling commanded for the time; and in this there is no ~~son~~, tradition whatsoever. The one casket naturally

¹¹² Paris' second declaration. Appendix.

suggested the idea of the other, which was lodged in the castle at a different period, on their return from Seton; and, as we discover from Birrell's diary, that the castle was surrendered by Mar, not to Balfour, but to Cockburn of Skirling, Bothwell's deputy, on the 21st of March,¹² when the box of jewels was deposited there, the circumstance supposed to discredit, will in reality confirm the veracity of Paris's confession. The casket of letters, as already shewn, was lodged by Bothwell among his papers in the castle, when he carried the queen thither from Dunbar; and remained in his desk, while the jewels would necessarily be removed for the decoration of her person, when she returned to the palace on the eve of her marriage. As no minutes of council were then taken, no mention of the box of letters, or of Dalgleish the bearer, could occur in its records, till an act of council was pronounced on the subject. But Powrie's examination is dated the 23d, Dalgleish's the 26th of June; and a proclamation was issued, that same day, for apprehending Bothwell; “*of the quhiilk murther, now be just tryell taiken, he*

¹² Birrell's Diary, 7. “Who was the wretch who had the command of the castle?” Sir James Balfour, says Whitaker I. 226. and on this gratuitous assertion, the whole confession is rejected as forged. Among other mistakes he supposes that the box of jewels was sent to the castle, before the queen went to Seton, February 21st, not afterwards (*pus apres*) on her return.

CHAP.
IV.

“ is found, not onlie to have been the inventer and
 “ deviser, but the executor with his awin hand,
 “ *as his awin servants*, being in companie with him,
 “ at that unworthie deid, hes testifiet.” As ano-
 ther act of council passed next day, directing the
 Blackadars and others, who had confessed no-
 thing and were certainly not guilty, to be put to
 the torture, the proclamation of the 26th can al-
 lude to nothing else than the testimonies of Powrie
 and Dalgleish.¹³

They re-
fute them-
selves.

But Throckmorton, who arrived not at Edin-
 burgh till July the 12th, takes no notice till the 18th,
 of the seizure and confessions of Dalgleish and
 Powrie; therefore they were not apprehended till
 then.¹⁴ The letters, of which he had previously
 obtained information, are first mentioned in his
 dispatches of the 25th; therefore they had no
 previous existence, nor did the first idea of the
 forgery occur till then.¹⁵ In the same dispatches,
 he observes that “ the confederates mean to charge
 “ the queen with incontinence, both with Both-
 “ well and others, having as they say sufficient
 “ proof; and with the murder of her husband,
 “ whereof they have as apparent proof as may be,
 “ by the testimony of her own hand writing;”
 therefore the first draught of the forgery was
 framed to charge her, not with adultery, on which

¹³ Anderson, I. 140. Keith, 407.¹⁴ Whitaker, I. 295. Robertson, II. 433.¹⁵ Whitaker, I. 316-77, Keith, 426.

they are now explicit, but with the murder of her husband, on which they are silent, as Lesley affirms that they contain no word depositing, or giving express command to commit the crime.¹⁶ The letters, sonnets, and contracts produced in council were, the former, written, and the last subscribed with the queen's hand; therefore they were originally forged with subscriptions, and, as it was well known to whom they were addressed, with directions also to Bothwell,¹⁷ as if her apologists, on the supposition that the letters were genuine, durst assert that they were not addressed to Bothwell, or that the queen was not guilty of adultery nor accessory to the murder. The four letters preceding the murder, were written evidently at Glasgow, and the Kirk of Field; the others at Stirling, or on the road from thence; but as Murray knew, and the commissioners at York were informed in general, where they were written, therefore they were originally forged with dates.¹⁸ Lesly, in his memorial to Elizabeth, and again in his defence of Mary's honour, objects to the letters, that missives destitute of the legal forms bear no faith, especially if they are neither directed, dated, nor subscribed by the writer, neither sealed nor signeted;¹⁹ (attested neither by the privy seal

¹⁶ Whitaker, I. 364.

¹⁷ Id. 381. 401,

¹⁸ Whitaker, I. 410-15.

¹⁹ Signed, in the defence of Mary's honour; a natural mistake of Dr. Good's, who turning the Scotch into English,

CHAP. IV. nor the royal signet;) therefore, by a conclusion truly ridiculous, the letters were exhibited as if transmitted open, without the common guard or precaution of a seal.²⁰ As the language is not once mentioned by Throckmorton, in the slight intimation which he gives of the letters; therefore they were written originally in Scotch: as diverse her privy letters are mentioned in the acts of council and parliament; therefore there were four or five at the utmost; and as the letters are not expressly stated in those acts as written in French, the language therefore was still Scotch.²¹ They were sent to England as copies translated from the French, but as the extracts made by the commissioners at York, were from the Scottish

could make nothing of *signeted*, a seeming repetition of *sealed*. He informs us therefore, that the letters were neither subscribed nor signed. Anderson, I. 18. Pref. 11. Lesly's objection is founded on the legal forms observed in Scotland then, when private deeds were both signed and sealed by the parties, and public instruments were subscribed by the writer, before they passed under the privy seal or signet.

²⁰ This absurd objection, which Goodall first suggested but was ashamed to explain, (I. 43.) is eagerly caught by Whitaker (I. 369.) who distinguishes ludicrously between *seillet* and *signetis*; that the letters were neither attested by her seal at the bottom, nor secured by her seal on the outside. These technical words, of which he was ignorant, were understood better by Blackwood, who translates Lesly's defence, "neither sealed nor signed" (*signeted*) *ny signees ny scellees*, where *scelle* applies only to the seals of chancery or courts of law. Jebb. II, 243.

²¹ Whitaker, I. 446-87.

copy, that language was still the original; and as extracts were taken from three, and a fourth letter supposed to be lost was quoted, their numbers therefore were still five;²² and this must be received as argument, demonstration, and historical truth. Their French garb, was not assumed till they were forged anew, and produced at Westminster²³; but according to the same argument, Murray's receipt for the casket, on leaving Scotland, and his declaration when the letters were produced at Westminster, should prove that those French originals were still Scotch, as the language is not once mentioned in either; and Morton's receipt for the letters, two years afterwards, should prove equally that they had returned to their original Scotch again.²⁴

To state such arguments is sufficient refutation,

²² Whitaker, I. 447-503-7. Here Whitaker mistakes the "Notes drawn forth of the queen's letters sent to the earl Bothwell" for the "Abstract of matters shewed to the queen's majestie's commissioners by the Scots." It is obvious from the language, that the notes drawn forth of the queen's letters, are extracts made by the Scottish commissioners, and whether they were produced at York or not, is uncertain. But the abstract of matters, or "Brief note of the chief and principal points of the queen of Scot's letters written to Bothwell, &c. as far forth as we could by the reading gather," is the paper to which the English commissioners, refer as enclosed in their dispatches from York, October the 11th. Anderson, IV. 63. See Appendix.

²³ Id. 510. Anderson, II. 257-9. Goodall, II. 91.

CHAP. and every difficulty so industriously created, may
 IV. be removed by a fair explanation of the fact. We
 Removed have discovered an early copy of the letters in
 by a fair explanation of the fact. Scotch, translated apparently for the Scottish
 parliament, and produced at Westminster with
 the French originals, with which it was dili-
 gently collated and made to accord. Murray had
 already intimated in July, that the originals were
 in French and the copy in Scotch: but that he
 should produce the Scottish copy as the originals
 at York, and the French as the originals to the
 same commissioners among others at Westmin-
 ster, is an absurdity equalled or exceeded by an-
 other; that Norfolk and his colleagues were un-
 able within the space of two months, to distin-
 guish the Scotch communicated as originals at
 York, from the French originals produced at
 Westminster. An additional absurdity which we
 are required to believe, is that the sonnets were
 forged in French, to support the credit of the
 Scotch originals produced at York; nay more,
 that the same letters were produced in Scotch
 on the 7th, and in French on the 8th of Decem-
 ber, as different originals, to the same commis-
 sioners, who collated one forgery with another,
 without detecting this double deceit.²⁴ But the
 Scottish copy from which the extracts were
 taken, was undoubtedly communicated as a trans-

²⁴ Whitaker, i. 103-557.

lation, at York as at Westminster, when "Murray and his colleagues, according to the appointment yesterday," (Tuesday December 7th, of which the minutes are lost) "came to the queen's majestie's commissioners, saying that as they had yesternight produced and shewed sundry writings tending to prove the hatred which the queen of Scots bare towards her husband to the time of his murder; wherein also they said might appear sundry arguments of her inordinate love towards the earl Bothwell, so for the further satisfaction both of the queen's majesty and their lordships, they were ready to produce and shew a great many other letters written by the said queen, wherein as they said might appear very evidently her inordinate love towards the said earl Bothwell, with sundry other arguments of her guiltiness of the murder of her husband. And so thereupon they produced seven several writings, written in French, in the like Romain hand as others her letters which were shewed yesternight and avowed by them to be written by the queen. Which seven writings, being copied, were read in French, and a due collation made thereof, as near as could be, by reading and inspection, and made to accord with the originals, which the said earl of Murray required to be re-delivered, and did thereupon deliver the

CHAP. IV. " copies being collationed."²⁵ The copies which Murray delivered, of the seven writings read in French, were the Scotch translation afterwards published; and if different from those described in the minutes of the 9th, " as duly translated " into English," they are the same with those produced on the 14th to the privy council, along with the originals; " of all which letters and " writings, the true copies are contained in the " memorial of the sessions of the 7th and 8th of " December."²⁶ The copies were produced therefore with the originals at Westminster, on the 7th and 8th; and the inference obviously is, that the same copies, translated into Scotch, were communicated along with the originals at York. The sundry writings produced on the 7th, " tending to " prove the hatred which the queen of Scots bare " towards her husband to the time of his death, " wherein also might appear special arguments of " her inordinate love towards the earl of Both- " well," correspond with the titles of the three first letters in Buchanan's Detection, and are undoubt- edly the same. The first is entitled, " Ane letter " proving hir hate to hir husband and sum suspici- " ous of practising his death;" the second, " concerning the hate of hir husband and prac- " tise of his murder;" or the long letter which

²⁵ Anderson, I. 150. Goodall, II. 235.

²⁶ Goodall, II. 256. Anderson, IV. 172.

we are assured was produced on the 7th; the third, “ concerning certain tokens that she sent to Bothwell,” or rather, “ of hir love to him,” according to a different arrangement in the Latin edition. Instead of being other letters just appearing, and again disappearing, they were produced with the Scotch contract written by Huntley, and Bothwell’s trial still extant; and in the minutes of the 14th are so expressly referred to by the privy council, as produced and contained in the minutes of the seventh, that it is an absolute perversion of the fact, to represent them as a series of letters just appearing and then suppressed.²⁷ The seven several writings produced for farther satisfaction on the 8th, were the five remaining letters, in the like *Romain* hand with those on the 7th; the sonnets, which were considered as one writing in the manner of a sonnet, and the French contract, written also in the queen’s hand. Eight letters were at least produced on the 7th and 8th; and the exact number afterwards published, is attested by Murray’s instructions to the abbot of Dumfermline, October the 15th, 1569. “ We product eight letteris in French, written be the queen’s awin hand, two contractis &c; the copies of all quhilk letteris, conferrit, red and considerit, were deliverit to Mr. Secretary in quhais handis they remane.”²⁸

²⁷ Whitaker, J. 458.

²⁸ Geodall, II. 87-8.

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IV.

The Scottish copy produced at York was delivered by Murray when the originals were examined, and the same number of letters is discovered, two years afterwards, in Morton's receipt for the box "with the missive letteris, contractis, or ob-
ligatiounis for marriage, sonnetis or luif bal-
lettis, and utheris letteris thairin contenit to
the number of XXI pecis within the samin."²⁹

Here the sonnets are enumerated in the plural; and eleven sonnets, (the six concluding lines being reckoned a part of the eleventh,) two contracts and eight letters, form the exact number of twenty one *pieces*, contained in the box. From a fair explanation of the fact, it appears therefore, that the precise number of eight letters afterwards published, were produced on the 7th and 8th at Westminster; that the Scottish translation communicated at York was the copy left with Cecil from which the letters were afterwards printed; and that of the originals restored to Murray, the same number of eight letters was extant at his death, when the casket was transferred to Lennox, and delivered to Morton (January 22, 1570-1) on his journey to England.

The forgery
fixed on
no one.

2. It is impossible to fix the supposed forgery on any one of the different persons to whom it has been ascribed. As it was necessary for Mary to disavow the letters, her commissioners were in-

structed to affirm that they were forged, and that there were diverse of each sex in Scotland, especially of those in company with her adversaries, who could counterfeit and write the queen's hand, as well as herself. This strange assertion so apparently false, is repeated in Lesly's memorial to Elizabeth;³⁰ but of those who could write and counterfeit the queen's hand, none were ever named, even in his defence of her honour. When the letters were published, the anonymous author of *L'Innocence de la Royne d'Escosse*, affirmed in 1572 that a certain nameless lady then alive, had confessed in secret to a nameless friend, that at the instigation of Murray, Morton, and others, to whose councils she was then admitted, she herself had written, framed, and composed the letters, protesting that whatever was said therein against the queen was false, supposititious, detestable and calumnious.³¹ Blackwood improving on these assertions, assigns in 1587 a long harangue to Mary's commissioners, as the defence employed for their mistress at the conference. To disprove the authenticity of the letters to Bothwell, they affirm, according to this defence, that when Huntley was imprisoned in Dunbar, Murray dispatched counterfeit letters, in the queen's name, for his immediate execution: and after producing these letters actually at the conference, together with others of the same stuff forged by Murray and his

³⁰ Goodall, II. 342-88. ³¹ Jebb, I. 524.

CHAR. IV. associates, who were confounded and knew not what to reply, ¹² they proceed to state, that the handwriting of Mary Beton, one of her maids of honour, could not possibly be distinguished from the queen's. Blackwood had the best access to infor-

¹² "Tenez & regardez, je vous prie, voila les lettres. Et en ce disant leur mitrent ledites lettres entre les mains, & quelques autres de mesme eatoffe, contrefaites par Mourray & ses complices, dont ils se trouverent bien confus & ne s'eaurent que repliquer." Jebb, II. 243. Afterwards, to prove the marriage with her husband's murderer compulsive, he tells us that Mary's commissioners produced at the conference letters from Murray "Tenez, lisez, voila les lettres de Mourray s'en allant en France," advising her to marry Bothwell, and threatening the greatest inconvenience if she refused; and that they produced also, in the course of their defence, the bond of the nobility to Bothwell, signed if not written by her accusers themselves, id. 247. After such gross and impudent fictions, it is ridiculous to appeal to Blackwood's veracity, who adopts from *L'Innocence de Marie*, the forged warrant for Huntley's execution, which he has not failed to introduce into the conference. Ashamed perhaps of such wretched authorities, Whitaker quotes the story from Crawford's Lives of the Officers of State, who quotes it from Gordon of Straloch's MS, who had it from his father, the laird of Pitlurg, who lived at the time; and to reject such evidence is to reject half the history of mankind. Whitaker, III. 5. That Murray procured a blank warrant, which he filled up with an order for Huntley's execution, appears from Marjoribank's Annals, (who died in 1591. MS. Advocates Lib.) to have been a popular rumour among Mary's adherents. That it was utterly false, appears not only from Lesly's, but from Huntley's uniform silence in the instructions of the lords and abbots, wherein he accuses Murray of having put some noblemen (his father) to death;

mation at Paris, from Beton her ambassador; but such wretched fictions, stated as actual transactions at the conference, demonstrate that for sixteen years after the letters were published, the supposed forgery could be fixed on no particular person, during Mary's life. The forgery is ascribed by Blackwood, not to Mary Beton, but, with some hesitation, to Sir James Balfour, because the casket was left in his custody;³³ by others to Buchanan, because the letters were published as an appendix to his *Detection of the Doings of Mary*. But the learned Camden first informed the world, in 1615, that Lethington had privately hinted to the commissioners at York, that he had counterfeited the queen's hand more than once. Camden's information is supposed to be confirmed by Crawford's *Memoirs*, “that it was notoriously known, Lethington, by his own confession, had often counterfeited her hand writing;” but Crawford's, is the only forgery concerning which there can be no dispute. Neither the original manuscript, nor Melvil's *Memoirs* contain the least intimation of the letters; and it now appears that the fact was transcribed by Crawford from Camden's *Annals*, “destroying their bairns, (his elder brother) their houses and memory; caused others (Bothwell) to be banished the realm; and put other noblemen (himself) in prison, and detained them there.” Goodall, ii. 358. Neither he nor Lesly would have been silent on a story so injurious to Murray, and essential to the queen's vindication, had they known it then.

³³ Jebb, ii. 243.

CHAP. and inserted in his Memoirs as the contemporary
 IV. evidence of some writer unknown.³⁴ Camden, a
 servitor at Magdalen college, Oxford, was not
 then seventeen, and could possess no personal
 knowledge of the fact, which is advanced in his
 Annals, in the most apologetical form. "His
 " auditis, (Murray's answer at York,)—quæcunque
 " hactenus prolatæ, testibus non essent munita, sed
 " suspectæ fidei literulis; et Lidingtonius clam
 " innuisset, se sæpius reginæ characteres ementi-
 " tum esse."—"Epistolis vero et carminibus (cum
 " nomina, subscriptiones, notatio temporis de-
 " essent, et ubique plures sint falsarii, qui aliorum
 " characteres tam scite assimilare et exprimere
 " norunt, ut veri ab ementitis non internoscantur)
 " Elizabetha vix fidem adhibuit."³⁵ Camden
 could not well assert that Lethington had actually
 acknowledged the forgery in question, but that
 he gave the commissioners to understand, that he
 had often counterfeited the queen's hand, as an
 indirect proof, no doubt, that the letters might be
 forged by himself or others. Not relying, how-
 ever, on this secret confession, Camden resorts to
 Lesly's absurd objections, in order to support an

³⁴ Crawford's Memoirs, 108. Such is the contemporary evidence on which Tytler (i. 101.) and Whitaker (i. 108. iii. 47.) rely so much for a proof of the forgery. Goodall knew better than to appeal to Crawford's memoirs, though he made no scruple to promote that imposture.

³⁵ Camden's Annals, 143-5. 1st edition.

assertion of his own, that Elizabeth hardly gave credit to the letters, as they had no address, subscription, nor date, and as many persons were so expert at forgery, that it was impossible to distinguish whether the letters were genuine or not. But the sole authority hitherto discovered, for Lethington's confession, is Norfolk's apology for his intended marriage, that Lethington "moved " him to consider the queen as not guilty of the "crimes objected." Had Lethington in fact undeceived the duke, or convinced him of her innocence, he must have revealed the whole forgery; and whether he avowed the letters himself, or ascribed them to another, there not only was no necessity, then or afterwards, to conceal the author; but on the contrary, every inducement to point him out, and to denounce him by name, for the vindication of the queen. That a secret partisan, who had furnished Mary with a copy of the letters, should acknowledge, and at the same time repeat the forgery again in French, is one of those absurd conclusions that confute themselves. But if it were possible to believe, that Norfolk and Lesly, during the conference at York, were more anxious for Lethington's safety, than for the queen's reputation, there was no inducement at Westminster to conceal his confession, when the forgery was renewed in French; much less after his death, when Lesly, in 1580, republished his Defence of Mary's title to the English throne.

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Camden's
uthority
examined.

3. Camden's authority may be traced distinctly to its source. His annals were begun in 1596, at Cecil's desire, though discontinued afterwards on Elizabeth's death; and from the original materials to which he was admitted, we may believe that their complexion would have been very different, had they been published during the life of that statesman. When the two first volumes of Thuanus' history were published at Paris, Casaubon, whom James had invited to England, was employed to persuade that historian to retract the errors derived from Buchanan, and Sir Robert Cotton to compile authentick memoirs for his use. Camden's unfinished annals were delivered to Cotton, to be communicated to James; and it appears that they formed a principal part of the memoirs of Elizabeth's reign; transmitted to Thuanus in ten books, to the year 1573, in which each circumstance was examined, and the whole revised, corrected, and amended by the king himself.³⁶ No man living, says Casaubon, was better instructed in those transactions, and if there was any certainty in human affairs, Thuanus had now obtained a substantial author, to whom he might give the most implicit credit. He was assured that every circumstance in the ten books was indisputably certain, and desired to revise and amend his history, and in a new edition to recall the false, and to

³⁶ Thuanus, i. 44. London 1733.

insert the true narrative of Mary's conduct.³⁷ But the king was incensed at an inaccurate report of Thuanus' answer; that much of what he found in the memoirs, was of doubtful credit, especially as Colvil, a Scottish priest in whom he confided, called the whole in question; nor could he persuade himself that Murray was not a man of singular integrity and prudence; nor could he adopt the memoirs, unless James himself should attest in writing such facts as he was required to believe and transcribe. The king was particularly surprised and indignant, that the testimony of a few rebels and traitorous refugees, should have more weight with Thuanus, than his own evidence and that of all Scotland besides; and Casaubon assured his friend that Buchanan's history and other libels were first condemned by the Scottish parliament, before they were condemned by James, who was

³⁷ “ Rex ipse, quo nemo est hodie callentior istarum rerum, singula recenset, atque ad exactissimam veritatis trutinam exigit, missurus statim ad te, ut veram narrationem tue historie inseras, falsam et calumniarum plenam regicias. — Serenissimus rex, auditio accepisse te historiam a se missam, laetus ea nuntio, jussit serio tibi confirmare, omnia esse vera, quæ decem illis libris continentur. — Ego illam videre non potui; sed constat mihi regem ipsum, quo nemo vivit hodie harum rerum peritior, omnia legisse, expendisse, correxisse. Itaque si quid in humanis rebus potest esse certi, habes auctorem locupletem, cuius fidem *αναμφιβολία* sequi possis. Optat ejus majestas, ut tuam historiam recenseas, et quæ ex iusta didiceris emendationis opus habere, emendes.” Id. 44-5.

CHAP. IV. not then fifteen;³⁸ nor did he estimate Murray's character from uncertain rumours, or light conjectures; but from transactions better known to himself alone, than to any other man. He had inspected the public records with care, had weighed and examined each circumstance diligently, in short had omitted nothing to detect the latent truth of events;³⁹ and Thuanus was admonished, that unless he adhered to his engagement, to insert the memoirs in his next edition, the king would print them himself, not only to vindicate his mother's honour, but to expostulate publicly upon the injury which he had received. Thuanus en-

³⁸ " Buchananum historiam et id genus narrationes non a se primò damnatas, sed, juvē se et vix dum decimum quartum vel quintum annum agente, decreto parlamenti Scotie, invocavit, et historiam illam et libellum illum famosum laege majestatis esse postulatos et damnatos." James was then within a month of eighteen, and in a letter written apparently under his own inspection, Casaubon, who repeats his words, must have been purposely misinformed of his age, in order to persuade Thuanus, that he had no personal influence in the condemnation of Buchanan's works by the Scottish parliament. Id. 46.

³⁹ " Morrai ingenium et mores non æstimat rex ex incertis rumoribus, aut frivolis conjecturis, sed ex rebus gestis, quarum veritas sibi uni melius sit comperta, quam cuiquam mortaliū. Acta publica se cum cura inspexisse, singula diligenter expendisse, nihil denique prætermisso, quo certius ad veri saepe in abdito latitantis cubile perveniret." Ibid. These passages ascertain the fact, that the memoirs transmitted to Thuanus, were examined, corrected, and amended by James himself.

deavoured to explain his words to the king's satisfaction,⁴⁰ and requested the continuation of the meithers in vain. He was informed privately by

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⁴⁰ He had merely wished such passages to be pointed out in his history, as he was required to expunge or explain in a new edition, which he doubted whether the printer would undertake till the first should be sold; and he had applied to Colvil, as to a man not likely, from religious animosity, to favour Murray, in order to know whether the latter was suspected in Scotland of any concern in the murder. It is evident that Thuanus, who had tried Buchanan's writings by the evidence of different Scotsmen present at the transactions; “rem ut ex Scotorum, qui interfuerant, sermonibus didici, ita literis mandavi; et ad eoram fidem scripta a Buchanano expendi,” (id. 41) entertained the greatest distrust of the memoirs which he received from James. Whether or no he was deceived by Camden's first representation of Scottish affairs, is an old and absurd controversy from which I abstain. Camden had only recommended moderation in his correspondence on the subject, but when Thuanus, in the letter just quoted (August 1606, see Appendix, IV.) had vindicated his view of Darnley's murder, by the most cogent arguments, it is observable that Camden, so far from opposing, or blaming his narrative, wrote, on perusing the volume; “Temperamentum in rerum Scoticarum narratione prudenter sane servasti, dum calamum ab omni insectatione contuleris. Rex tamen noster, Buchanano infensissimus, Moravium noxae maxime damnat, ut maternae calamitatis fontem et fundum, idque a secretorum eo aëvo participibus edoctus, ut fertur, auctorque est, ut inaudio, cuidam, ut matris vitam describat; quam tamen editurum haud facile credo.” Id. 42, November 1607. Camden apparently had not then differed in opinion from Thuanus, but the opinions which he ascribes to James are precisely those that were afterwards inserted in his own annals.

CHAP. IV. Casaubon, that the remaining history, which Cotton composed in English, was translated into Latin by Camden;¹¹ who also explains, in a letter to Thuanus, his own share in the former memoirs: that at the earl of Northampton's request, the outlines of his unfinished annals, which he meant to have printed abroad, without his name, for the benefit of Thuanus, had been imparted to Cotton, above a year before, (1611) to be communicated to the king:¹² that he had resigned them entirely to Cotton, to be used at his discretion; but he wished that they had been transmitted in a more polished form, as many passages, in a copy which he lately saw, were maimed and mutilated, with large chasms, and words altered by an audacious transcriber; that

¹¹ “ Respondit (Cottonus) se totum in eo esse, ut cœptam, historiam absolvat, quam ipse Anglico sermone componit, Camdenus Latinam facit.” Id. 48. This is Cotton's answer, not Casaubon's information merely.

¹² “ Commentarios D. Cottoni, quos tibi ab anno, quo primus tuarum historiarum tomus primum prodierit, destinatos, ad tuas manus bono fato pervenisse—facitus gaudeo.—Illos, (nec me composita fabulari existimes,) anno 1596, auctore et suasore Cecilio Burghleio, Angliæ quæstore, inchoavi,—quos in Germania, nomine suppresso, imprimere, tibique inscribere destinavi, ut tu inde, quæ visum, decerperes. Ecce autem cum vix prima lineamenta duxerim, necdum ad finem pervenerim comes Northamptonius mihi obvius rogavit, ut protinus Robertó Cottono impertirem, qui regi communicaret, regem enim percupere ut legeret. Dicto obtemperavi, et omnia, quæ descripta habui, ne relecta quidem, nedum recognita, Cottono tradidi, et sui juris arbitriique feci ;” id. 49.

Thuanus knew best, from the king's instructions, CHAP.
IV. to what purpose they should be applied,⁴³ nor did he expect the whole to be inserted, but believed that much would be omitted, of what was amusing or instructive for his countrymen to learn. Thuanus acknowledged, what he knew not till then, that the chief part of the memoirs belonged to Camden, on whose authority the most material passages of the present annals were transferred into his history, in a new edition, not for the purpose of superseding the original narrative derived from Buchanan, but of placing before his readers the allegations and arguments produced on the opposite side.⁴⁴ But the king's anger was renewed, as neither Buchanan's narrative was expunged,

⁴³ “Plurima observavi manca, mutila, hiulca et verbula quædam librarii audacia immutata. Quid de illis fiet, tu a rege edoctus, optime nosti.” Ibid.

⁴⁴ “Ad commentarios D. Cottoni quod attinet—In iis te præcipuam partem vindicare tunc nesciebam, et habeo gratias pro tam honorifica in ea ré in me voluntate, quæ utipam suum sortita esset effectum, neque ex occasione, quam scribis, mutasset. Interim iis usus sum, et pleraque in jam editis ex illis supplevi, multa correxii, et ad annos suos revocavi,” ibid. If an additional proof were wanting, of the identity of Camden's annals, and Cotton's memoirs which the king revised, every passage which Thuanus transcribed from the latter is to be found, nearly in the same words, in the annals afterwards published. A few facts from Buchanan, were expunged by Thuanus; but it is evident, from his adopting the annals as the assertions, or arguments merely of the opposite side, that he did not give implicit credit to Camden himself,

CHAP. nor his own memoirs inserted entire. In a warrant addressed to Cotton and Camden in conjunction, he directs so much of the history of England as he had perused, from 1558 to 1588, to be printed and published; upon which the first volume of Camden's annals unexpectedly appeared.⁴⁵

And traced, From these passages the fact appeared indisputable, that the memoirs transmitted to Thuanus were the same with the annals afterwards published; the joint production of Cotton and Camden, revised, examined, corrected and amended by the king himself, whose veracity may be brought to an immediate test. As a proof that Buchanan's Detection and History abounded with falsehoods, Camden informs us, as Casaubon had done Thuanus, that these books were condemned by the Scottish parliament.⁴⁶ But Camden forgets to add that this condemnation was procured by the king's influence, after the *Raid of Ruthven*, when the presbyterians, under the administration of Ar-

⁴⁵ Camden's Annals. Pref. p. 6. edit. 1717, by Hearn.

⁴⁶ Buchanan's History and Dialogue De Jure Regni, not his Detection, were called in "to be purged of sundry offensive and extraordinary matters, specified therein." Parl. 1584, ch. 134. Camden knew the precise fact, which he states correctly, under the year 1584; but to disprove Buchanan's veracity, the annals assert in 1567, that his History and *Detection* were condemned of falsehood by the "Scottish estates, "quorum fidei plus tribuendum." Annals 110. Other variations from the fact, will appear in the sequel, and these I consider as the interpolations of another pen.

ran, were restrained and punished by the severest laws.⁴⁷ He adds, what is now known, whether advanced by James or Camden, to be an absolute fiction, that Buchanan frequently lamented with sighs, to the king his pupil, that he had written with such virulence against the meritorious queen; and wished when dying, that he might survive in order to restore the truth, and to obliterate even with his blood, those aspersions which his malignity had uttered; unless that were a vain attempt, which, at his advanced age, might be ascribed to dotage.⁴⁸ Camden's information, upon which

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⁴⁷ The parliament was held May 19, 1584, without being indicted or summoned by proclamation. The lords of articles were sworn to secrecy, and the acts were ratified on the 22d, three days after the parliament met. These acts, obtained with such secrecy and address, overturned the constitution of the presbyterian church; but James had then surmounted his opponents, had dispersed the confederate lords at Stirling, had driven the most popular clergymen from Scotland, and had executed Gowrie, the last possessor of the letters to Bothwell. In an act against defaming the king or his ancestors, the order for recalling Buchanan's Dialogue and History, was inserted without condemning or specifying what passages were to be suppressed as offensive; and in these circumstances it is ridiculous to quote the authority of the Scottish parliament for Buchanan's falsehood. Robertson, ii. 113. Calderwood, iii. 365, MS.

⁴⁸ *Cum autem ille (Buchananus) partium studio, et Moravii munificentia abruptus, ita scripserit, ut libri isti falsitatis damnati ab fuerint ordinibus regni Scotie, quorum fidei plus tribuendum, et ipse ingemiscens coram rege, cui fuit paedagogus, subinde se reprehenderit (ut accepi) quod tam virulen-*

CHAP. IV. Casaubon is silent, must have been derived, through the intervention of Cotton, from James

“tum calatum in reginam bene meritam strinxisset, moriensque optaverit, ut tantisper superesset donec maculas, quas maledicentia falso asperserat, revocata veritate, vel sanguine elueret, nisi (quod ipse dixit) hoc vanum esset, cum præxestate delirare videretur.” Camden, 110. Camden states the anecdote as he received it (ut accepi); but had he received it from any other than James, his prudential caution would have applied for some confirmation of a fact known only to the king himself. Whether it was contained in the memoirs transmitted to Thuanus is uncertain. But the following passage in Thuanus’ manuscript, was retrenched from his history before he received the memoirs, in order to avoid offence to James. “Cum autem morti proximus esset Buchananus, a rege alumno rogatus, ut quæ de Maria parente nimis libere scripserat revocaret, et infamiam ejus nomini scriptis suis inustam insigni aliquo testimonio elueret, nihil aliud respondit, quam brevi fore, ut ipsius desiderio abunde satisficeret. Repetitis dein vicibus per fidem eadem de re interpellatus, hoc postremo responso regi satisfecit: se quæ ex animi sententia vere scripserat, revocare quidem non posse, ceterum, ubi expiraverit, in regis potestate futurum, ut de scriptis illius pro arbitrio suo statueret; tantum quid in ea re acturus esset, pro prudentia sua, ante mature consuleret, sciretque reges cum soluta potestate a Deo constitutos nihil non posse: sed veritatem quæ a Deo vires sumit, quantum Deus hominibus major est, tantum potentia adversus reges ipsos præpollere.” Id. iv. 100, q. This passage, to which Varillas afterwards referred, was restored by Wicquefort: Thuanus Restitutus 1663. Whitaker (iii. 447,) dreams of an anonymous enlarger of Thuanus, to whom, as usual, he ascribes the forgery. Having never looked into Bulkley’s, or rather Carte’s edition of Thuanus, he knew not that the passage is still extant in the original manuscript.

himself, who revised the work, and to whom the facts were better known than to any other person whatsoever. But the two Melvils, clergymen who visited the impenitent Buchanan on his death bed, while his history was still in the press, urged that his account of Rizio's burial, as it might stop the work, was too severe for the times; when instead of retracting those calumnies which were not yet published, he demanded whether he had spoken the truth, and declared, "when going the way of all welfare," "then I will bide the king's fead and all his kins."⁴⁹ That the opposite side might be heard, Camden professes to explain the whole with impartial brevity; as far as he could discover, not only from the letters of ambassadors and others of the best credit, but from writings published at the time, though suppressed in England, out of favour to Murray, or animosity to the Scottish queen.⁵⁰ The writings suppressed in England, were Lesly's and other anonymous vindications of Mary, in which there is no intimation whatever of Lethington's confession, that he had frequently forged the queen's hand. The letters are those in the Cecil collection, and the Cotton library, which are equally silent; and we must conclude that the author, whether Cotton, James, or Camden, improving on Norfolk's apology, "that Lethington moved him to consider the queen

⁴⁹ See Appendix, No. XIX.

⁵⁰ Camden, 110,

CHAP. IV. "as not guilty," asserted gratuitously that Lethington acknowledged the whole forgery, as he had already done, that Buchanan frequently repented, especially on his death bed, of those calumnies in his detection, which he reprinted, and refused to retract in his history, which was then in the press. Whoever examines Camden's abrupt, and mutilated account of the conferences in England, must be satisfied that the evidence of the Cecil, and Cotton papers, which he confessedly examined, has been suppressed in his annals, in which Norfolk's letters from York, and the proceedings at Westminster, and of the privy council at Hampton court, are industriously concealed.

On perusing his annals, in 1620, Lethington's only son addressed him in a respectful, but dignified letter from Brussels. He complained of the imputations so injurious to his father's memory, to the truth of which he could by no means assent: requested the inspection, or copies of different papers to which the annals referred; among other passages for which he required evidence, he demanded whether from personal knowledge, for what reason, or on whose information, Camden asserted that Lethington had frequently counterfeited the queen's hand; nor did he dissemble the intelligence which he had received, that Camden's name was prefixed to give authority to the annals, in which many passages contrary to the freedom of history, were arbitrarily inserted at the pleasure

of others.⁵¹ It is not sufficient to affirm, that no answer appears, when there is no reason to believe that an answer was ever returned. It was incumbent upon Camden, when personally challenged, to disavow a report preserved during the

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⁵¹ “Clarissime Domine, hisce diebus dum Elizabethæ Annæales perlegerem, in loca quædam incidi, in quibus parentis mei mentio non satis honesta facta est; jure factum nullo modo mihi possum persuadere. Quare loca quædam, de quibus maxime ambigebam, excerpti, vestræque Dominationi censui mittenda, certiora, si fieri possit, exploraturus, quorum aliqua propria scientia, cætera literarum autoritate nixa videntur. Quare et autoritatem vestrâ et animum meum dubio plenissime exemeritis, si subsequentes hasce literas conspiciendas mihi transmiseritis.” After enumerating the papers of which he required inspection or copious extracts; “aliis quibusdam locis ejusdem facta est mentio, sed nullo, vel suppresso auctore, ut non aliena sed propria scientia niti videamini. Quare gratiæ loco sum habiturus, si subsequentium locorum horum rationes a vobis plenius fuero edocutus: scilicet,---*Et Lidingtonius clam innuisset, se sæpius Reginæ characteres ementilum esse.*---Hæc præcipua sunt loca, de quibus plenius cuperem edoceri, qua demum ratione quave autoritate impulsi, libro vestro ea inserenda censueritis. Si tamen alia quædem sint, quæ nominis ejus integritate possint esse præjudicio, existimatione vestræ consulueritis, si una cum ulteriore eorum approbatione mihi transmiseritis, et hoc eo solummodo fine, ut veritas excussa magis enitescat.—Neque dissimulabo quorumdam sermonibus certiorem me factum, nomen vestrum annalibus illis præfixum, quo illis major autoritas accederet, varia autem iisdem, pro aliorum arbitratu, contra historiæ libertatem inserta. Hæc si ita sint, quid sequius quam est quisque laudis vetuperiique partem pro meritis referat?” *Camdeni Epist. 303.*

CHAP IV. seventeenth century,⁵² that his annals were altered and interpolated by James, and to authenticate Lethington's confession in particular, when questioned by his son. But the copy enlarged and prepared for the press before his death,⁵³ contains no disavowal whatsoever of the report; nor any authority for Lethington's confession: and we must conclude that the supposed forgery of the letters to Bothwell can be ascribed to no one, with any appearance of historical truth. As Camden's original design, before his first volume was communicated to James, was to print it in Germany without his name, so the manuscript of the second, posthumous volume was transmitted to De Puy,

⁵² The report mentioned by Lethington's son, is preserved by Du Moulin, Wood, and Burnet. Du Moulin's evidence, "alium manum accessisse, præter haud dubio mentem authoris, unde opus fœde commaculatum fuit, in Aulæ Regiæ adulatores," is rejected because he was an independent, or a creature of Cromwell's. Smith's Life of Camden, Epist: 54. But Wood's account, "that several things had before that time (1615) been expunged, especially such as related to the story of Mary queen of Scots," is certainly not derived from Du Moulin whom he contemned; (Wood's *Athenæ Oxonienses*) much less Burnet's, "that James would needs read the history himself, and as was well known in England, delivered it to lord Northampton, Norfolk's brother, by whom many things were expunged, and others altered." Burnet's Reply to Varillas. These authorities attest, at different periods, the traditional opinion of England, that Camden's annals were interpolated by James.

⁵³ Hearn's edit. pref.

Thuanus' friend, to be published at Leyden, after his death. And for this measure no satisfactory reason can be assigned, but a wish to preserve the book from being suppressed entirely, or from being interpolated like the first.

4. Before we proceed to an examination of the letters, it is necessary to trace minutely their progress to the press. It appears that Murray first produced to the commissioners at Westminster, "a book of articles in five parts, containing certain presumptions, likelihoods and circumstances, whereby it should evidently appear that as Bothwell was the chief murderer of the king, so was the queen a deviser and maintainer thereof." From the explanation given in Buchanan's history, *ibi cum et rerum, uti gestæ fuerant, explicatus fuisset ordo;* the book of articles corresponds, and was undoubtedly the same with the Detection of the Doings of Mary, containing an historical detail of her actions, (*rerum uti gestæ fuerant ordo;*) from the first appearance of her antipathy to Darnley, till her marriage with Bothwell; addressed to Elizabeth as if present in person, and produced at Westminster as we are well assured.⁵⁴ It was written by Buchanan, originally in Latin, the diplomatic, and universal language of the learned, almost as familiar then as the

⁵⁴ Anderson, ii: 263. Camden, 144, where he distinguishes the Book of Articles from the Detection, of which no separate mention is made in the minutes.

CHAP. IV. French is at present. The Defence of Mary's Honour was also written, or enlarged at the conference, by Lesly, Herreis, Boyd and others ; and in consequence of a Discourse published against her marriage with Norfolk, it was printed at London, in 1569-70, but was immediately suppressed. When Morton returned in January, 1570-1, with the letters to England, the negotiations for her restoration were again disappointed, and Lesly's Defence of her Honour was reprinted at Liege, 1571, asserting her right to the crown of England, as exclusive of Elizabeth's, and among other additions, concluding with this notable falsehood ; that the nobles appointed to examine her cause, had actually found her innocent of her husband's murder, of which they deemed her accusers guilty, and having moved her to accept of Norfolk for a husband, they were ready to receive and serve her as their lawful prince.⁵⁵ On the discovery of Norfolk's conspiracy, and in answer to this offensive vindication of her honour and title, so injurious to Elizabeth, Buchanan's Detection was published at London before the 1st of November, 1571, with the three first letters translated into Latin. In a letter of that date, Cecil observes, that it is "newly printed in Latin, and I hear it is to be "translated into English with many supplements

Buchanan's Latin Detection.

⁵⁵ Murdin, 14, 209. Cabala, 174. Anderson, i. 81. ii. Pref. 8. Herbert's Edit. of Ame's Typographical Antiquities, iii. 1626-7.

“ of the like condition.”⁵⁶ The Detection was published in English before the end of November,⁵⁷ with the French sonnets, and the eight letters in Scotch, from the copy or Scottish translation left in Cecil’s hands. The two editions, supposed to be printed by John Day, are without date, place, or printer’s name; in the English edition, the Detection, properly so called, is professedly “ trans-
“ latit out of the Latin, quhilk was written by G:
“ B.” (George Buchanan); but the reader will be surprised to learn, that the *Actio contra Mariam*, annexed to the Detection, and the Latin translation of the three letters in the first edition, are not the production of Buchanan’s pen.

The Detection, or book of articles produced at the conference, is entitled in Latin, “ De Maria S. Regina, totaque ejus contra Regem conjuratione, fædo cum Bothwellio adulterio, nefaria in maritum crudelitate et rabie, horrendo insuper et deterrimo ejusdem parricidio: plena et tra-
“ jica plane historia:” in the English edition, “ Ane detectioun of the duinges of Marie quene of Scottes, touchand the murder of hir husband, and hir conspiracie, adulterie and pretended mariage with the Erle Bothwell: and ane defence of the trew Lordis, mainteineris of the Kingis graces actioun and authoritie.” The first is in-

⁵⁶ Diggs, 151.

⁵⁷ Goodall, ii. 871. Both editions had reached Scotland before the 14th of December. Ibid.

CHAP. IV. consistent with the characteristical simplicity of Buchanan's works, of which the longest Latin title, *De jure regni apud Scotos*, exceeds not five words, the second is derived from his "admonition direct" "to the trew lordis, maintainers of justice and "obedience to the king's grace," of which two editions were printed that year,⁵⁸ and it is evident that the two quibbling, catch-penny titles were adapted by another, for the London press. In a copy quoted by Herbert, the Latin title of the Detection is followed by a manuscript annotation, "auctore Georgio Buchanan Scoto, 1572-3;" the *actio contra Mariam S. R. in qua ream et consciam esse eam bujus paricidii, necessariis argumentis evincitur*, contains another note in the same hand; "Istas "actiones scripsit Thomas Smythus a secretis D.N. "R. Elizabethæ sicut fama est, vel Thomas Wilso-

⁵⁸ By Lickprevick at Stirling. From the last edition of the Admonitioun to the Trew Lordis, a passage concerning the archbishop of St. Andrews, is transferred into the action. "In eas, (ædes Hamiltoniorum) commigrat archiepiscopus Sancti Andreæ, semper antea in locis urbis frequentioribus diversari solitus. Isquoque eam noctem qua Rex interemptus est egit pervigilem," &c. *Actio contra Mariam*, 69, &c. The Detection takes no notice of the fact, which was not known till afterwards, when the Admonition was written; but Wilson, who consulted probably the Admonition in MS. (Caligula; c. 2.), discovered by his personal enquiries, some additional circumstances unknown to Buchanan. "Itaque lumina quæ ex æditoribus urbis locis tota nocte domi quæ apparuerant, tum demum tanquam re bene gesta, sunt extincta." *Id. 72.*

“ *rus a supplicum libellis, quod mihi magis placet;*”
 the *Literæ Reginæ Scot.* a third; “ Thomas Wilson
 “ creditur has literas e Gallico transtulisse, eum
 “ autem Gallicam phrasim vix credo intelligere;
 “ Thomas vero Smyth, hoc optime potuit præstare
 “ eo quod legatus Parisiis diu est commoratus.”⁵⁹
 Dr. Wilson, then master of requests, succeeded,
 on Sir Thomas Smith’s death, 1579-80, to the office
 of secretary; and as the date of the first annotation,
 1572-3, can neither refer to Buchanan, nor to the
 edition in 1571, the notes must have been written
 soon after the Detection was published. From
 these annotations, though the Detection was written
 by Buchanan, it appears that the *Action or oratione*
of evidence was publickly ascribed to Sir Thomas
 Smith, but by the annotator himself to Wilson,
 whom he seems to have known, and to whom the
 Latin translation of the three first letters was also
 ascribed. The last is transferred to Smith, with-
 out sufficient reason, for the letters were translated
 from the Scottish copy left with Cecil, not from
 the French originals which Murray retained.
 But the contemporary authority of the annotator,
 in assigning the *Actio contra Mariam* to Wilson
 may be confirmed both by external and intrinsic
 proofs. Smith and Wilson were employed to in-
 vestigate Norfolk’s conspiracy, and the latter, a
 keen and active partisan, was esteemed in negotia-

⁵⁹ Herberts, iii. p. 1629.

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tions for his diligence and dispatch.⁶⁰ He writes in a letter to Cecil at court, “ I do send to your honour inclosed, *so much as is translated into handsome Scottish*, desiring you to send me *Paris* *closely sealed*; and it shall not be known from whence it cometh.”⁶¹ The latter is dated November 8, 1571, in the interval after the Latin, and before the English edition was published : “ so much as is translated into handsome Scotch,” can refer only to the Scottish translation, either of the Detection or Action, that was to accompany the letters in the same language ; the request to

⁶⁰ Murdin, 68-38-95-101, Warton’s History of English Poetry, iii. 384.

⁶¹ Murdin, 57. In the same letter, Wilson mentions a conversation with Lesly, then in the Tower; “ That the queen his mistress is not fit for a husband, for first he says, that she poisoned her husband, the French king, as he has credibly understood : again, she has consented to the murder of her late husband, the lord Darnley ; thirdly, she matched with the murderer, and brought him to the field to be murdered ; and last of all, she pretended a marriage with the duke, with whom, as he thinks, she would not long have kept faith, and the duke would not have had the best days with her. Lord, what people are these ; what a queen, and what an ambassador ! ” Wilson plainly alludes to the first circumstance in his Action, or *oratio contra Mariam*, “ Nec rumoribus de ea per Gallias sparsis in matrimonio priore accedo,” p. 55 ; and the letter is characteristical, not only of Wilson’s prying curiosity, but of Lesly’s timid servility, in uttering every information or calumny, privately against his mistress, for his own preservation.

send him Paris closely sealed, must relate to Paris's two declarations since the conference; and the assurance that it should not be known from whence it comes, can allude to nothing else than a political publication in which the prime minister, who furnished the materials, was unwilling to appear. The Detection left by Buchanan in England, was translated therefore into the Scottish dialect, and published by Wilson. The Detection, properly so called, is strictly confined to the facts preceding the marriage with Bothwell, which were known at the conference, and concludes in a manner sufficient to assure us that the author never meant to resume the detail. But the *Actio contra Mariam*, enters largely into the Archbishop of St. Andrew's concern in the murder, a recent discovery to which Buchanan had alluded in his Admonition to the True Lords; and it resumes the detail of the same facts contained in the Detection, with the tedious repetition natural to one author, when retracing the footsteps of another, whom he strives only to surpass in violence: superadding such local description, and vulgar reports as a keen enquirer, who had visited Scotland in person, might collect from Lesly, and other Scots, whom he examined on the subject. The Detection is a concise historical deduction of facts; a rapid narrative, written with that chaste and classical precision of thought and language, from which each sentence acquires an appropriate idea, distinct from the

CHAP. IV. preceding, neither anticipated, repeated, nor inter-
 mixed with others; and the style is so strictly his-
 torical, that the work is incorporated in Buchanan's
 history almost without alteration. But the ac-
 tion against Mary, is a dull declamation, and a
 malignant invective, written in professed imitation
 of the ancient orators, whom Buchanan has never
 imitated; without arrangement of parts, cohe-
 rence, or a regular train of ideas; and without a
 single passage which Buchanan, in his history, has
 deigned to transcribe.⁶² A man inured to extem-
 porary eloquence, whose mind is accustomed only
 to popular arguments, and his tongue to prompt,
 and loose declamation, never writes with such
 lucid arrangement, with such accuracy of thought,

⁶² Two or three facts are adopted from the Action, which Buchanan, who transcribes his own Detection almost verbatim, abridges or alters as from another author, whom he disdains to transcribe. The sentiments are also the reverse of Buchanan's. In the epilogue or conclusion of the action; “ qui vero regem, qui vera est in terris Dei imago, non violat dico, sed trucidat:— nonne ipsum tibi Deum de cælo, quan-
 tum in ipso est detrahere voluisse videatur ? ” and the marginal explanation is in the same strain; “ princeps dei imaginem refert in terris. Qui igitur magestatem lredit, deum lredit. Qui vero occidit, perinde facit ac si Deum ipsum de cælo detra-
 here gygaptea audacia aggrediatur, nec venia dignus nec vita.” Actio, 98. This is what Wilson terms in his Rhetoric, *Veritatis superlatio atque trajectio*, or, *Mounting above the truth*; but that kings were the true image of gods on earth, was the last argument, which Buchanan, who had recently written *De jure Regni apud Scotos*, would have urged against Mary,

or compression of style, as a professed author, who thinks no labour too great for what is bequeathed to posterity; and the virulent Action against Mary no more resembles Buchanan's Detection, than the coarse and verbose ribaldry of Whita-ker, or the elegant yet diffuse rhapsodies of Burke and Bolingbroke, the correct and classical preci-
sion of Junius or Hume.

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On this subject I might appeal to the taste and The Action
written by
Wilson. discernment of every impartial reader, but there is a decisive proof in reserve, that the Action could be written by no one but Wilson. Buchanan in his Detection naturally adopted the historical style as peculiarly his own, nor would the same subject, upon which he had no occasion to write anew, be resumed and reiterated, by the same author, in the dull rhetoriçal declamation of the schools. But Wilson had formerly (in 1553) published "the Art " of Rhetorick for the use of all such as are studi- " ous of eloquence," recommending and illustrating, by precept and example, the rhetorical rules of amplification, circumstantial description, the comely delineation of character, personification, the introduction of apt tales, for the pulpit and the bar; and in 1570 he published, with a dedication to Cecil, a translation of seven orations of Demosthenes, three Olynthiacs, and five Philippicks, professedly to warn, and incite the English against Philip of Spain. His declaration from Cheke, " that none ever was more fit than this orator to

“ make an Englishman tell his tale praise-worthily,
 “ either in parliament, pulpit, or otherwise :” his
 motives for the translation, “ he that loveth his
 “ country, and desireth its welfare, he that seeketh
 “ common quietness, he that would gladly pre-
 “ vent evil to come, he that desireth to serve his
 “ country abroad, let him read Demosthenes day
 “ and night, and seeing Demosthenes is so good a
 “ schoolmaster for men to decypher the devil and
 “ his ministers, I would wish that all men would
 “ become his scholars ;”⁶³ afford a convincing
 proof that the Action against Mary, to be written

⁶³ Stripe’s Annals of the Reformation, i. 579. ii. 39. War-
 ton’s History of English Poetry, iii. 334. Herbert, i. 537.
 II, 835-7-946. The circumstances, or common places which
 Wilson recommends in his Art of Rhetorick ; “ Who did the
 deed? what was done? where was it done? what help had
 he to it? wherefore he did it? how he did it? at what time
 he did it?” are all adopted in his *Actio contra Mariam*. The
 rules of amplification in his Art of Rhetorick, “ mounting
 above the truth, *veritatis superlatio atque trajectio*; asking others
 and answering ourselves, *rogatio*; enlarging examples by
 copy,” &c. are implicitly followed, and he considers Bucha-
 nan’s part as the narrative, and his own as the confirmation,
 and conclusion of the cause. “ Of the conclusion, or lapping
 up the matter,” he observes, “ the conclusion is an apt *knit-
 ting up* of that which we have said before ;” (Art of Rheto-
 rick, 185) and Buchanan’s, *quom brevissime fieri potest, rem per-
 stringimus*, (Detectio, 1.) he translates, “ we will knit up the
 matter as briefly as possible ;” and his own, *tam mutuis viribus
 nixa sunt* “ sae mutually knit together ;” (Actio, 31) the very
 word employed in his Art of Rhetorick.

by Wilson, would be written in professed imitation of Demosthenes' style. When employed by Cecil to prepare Buchanan's Detection for the press, he seized the opportunity to illustrate his own rules in his Art of Rhetorick, so frequently republished; and transfused the style and spirit of his recent translation of Demosthenes, into a malignant philippick against the queen of Scots. A dull and scurrilous declamation of seventy pages was thus annexed, in Italic print, to Buchanan's Latin Detection of thirty pages, which he considered as a mere exordium to open the cause. The discovery is important, as it exempts Buchanan from the imputation of having written a malignant invective, equalled in malignity, only by the apologies for Mary; and as it ascertains the Latin translator of the three letters, subjoined to the Action, in the same Italic print. The letters are translated from the Scottish copy left with Cecil, in which Buchanan, whose vernacular style is the best of the age, never could have misunderstood the most familiar terms in his native language, as the translator has done. But when the note in Herbert's copy, in which the Action is assigned to Wilson, has been confirmed both by external and by intrinsic evidence, the authority of the subsequent annotation can admit of no dispute, that the three letters annexed to the Action, in the same Italic character, were translated into Latin by the same person,

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The Detection published in English:

The second edition, in which the Detection and Action were translated by an Englishman into handsome Scotch, was printed in imitation of the Scottish dialect,⁶⁴ and published towards the end of November. A memorandum from Morton's declaration concerning the discovery of the casket, the second contract written at Seton, the whole process of Bothwell's trial, a short abstract of the confessions of the murderers, the French sonnets with a prose translation, the eight letters in Scotch, from the Scottish copy in Cecil's hands, were annexed to the Action; and as these papers have disappeared with the minutes of the seventh and thirteenth of December, when the second contract and confessions were produced, it is obvious that they were lost when transmitted by Wilson to the press. The first sentence of the French originals was prefixed to each of the eight letters, for which this substantial reason may be assigned: as they had no dates to ascertain their arrangement, the initial French sentence was prefixed to the translations, when produced and compared at Westminster, in order to indicate the respective originals to which they belonged. Next year this last edition was reprinted at St. Andrews, in the Scottish orthography and language, instead of the old English orthography, and obsolete words, which the English translator had employed as

In Scotch
and French

⁶⁴ See Appendix, No. XX.

Scotch. A French translation from the two first editions was also published, according to the title page, *a Edimbourg par Thomas Vualtem 1572*; according to the colophon at the end *Achevé d'imprimer a' Edimbourg ville capitale d'Escosse, le 13 de Fevrier 1572, par moi Thomas Vualtem.* The printer's name and the place are confessedly fictitious; but on this French edition, much of the controversy concerning the letters depends. As it contains the additional translation of a Summary of the Treasons of the queen of Scots against Elizabeth, and refers to the execution of Mathers and Burney, who suffered on the 11th of February,⁶⁵ our modern apologists infer, from its date on the 13th, that it must have been printed at London, under Cecil's inspection, not at Rochelle. As the letters annexed were translated partly, at least, from the Latin, and the Latin again from the Scotch, they conclude that these last were the original forgeries which Buchanan translated into Latin, to be converted by the French translator, into those French originals produced at Westminster, which Cecil published afterwards in the French edition. Now, that Buchanan, having already forged the French sonnets, should be employed to translate the letters into Latin, for another to forge again into French, is sufficiently absurd. But

⁶⁵ Diggles, 166.

CHAP. IV. the place and printer's name being confessedly fictitious, it is impossible to consider the intermediate date as more authentic than the rest, when inserted obviously to promote the deception, by the interval allowed from the supposed day on which the printing was finished, to the first appearance of the book in France. The anonymous *L'Innocence de la Royne d'Escosse*, when translated and republished in France, 1572, informs us in a prefatory advertisement, of the defamatory libels, "espars et publiez partout: noinement un, im- " prime du 17 Februier 1572, envoye secrètement, et " a cachette exposé par la France;—premierment " compose par G. Buchanan Escossais, et depuis " traduite en langue Francoise par un Huguenet, " Poitevin (advocat de vocation) Camus soydisant " gentilhomme, et un des plus remarques seditieux " de France, et depuis augmenté d'un abrégé " d'un livret publié en Angleterre le 13 October l'an " 1570 portant pour titre en Francoise, le Recueil " des conspirations faites par la Reine d'Escosse."⁶⁶ According to the interpretation imposed on this passage, the edition, printed in London, was secretly exported, to be sold privately in France; and Camus, an advocate of Poiteau, has been arbitrarily transformed into a French refugee, who assisted personally at the conferences in England.⁶⁷

⁶⁶ Jebb. ii. 425.

⁶⁷ Goodall, i. 38. Tytler, i. 209. Whitaker, i. 531-34.

But “*envoye secrètement et a cachette exposé,*” signifies, not that the book was secretly exported, or sent to France, but like *espars et publie partout*, that it was secretly dispersed or sent, and exposed clandestinely to sale, *through France*, and the anonymous author of *l’Innocence de la Reine*, who mentions the date, and the translator’s name, but rejects the names of the printers, and of the place, as fictitious, never would have concealed the fact, that it was printed like the Summary of Treasons, in England, which he must have known had Camus been a refugee. Blackwood, then a counsellor and professor at Poitiers, must have known whether it was printed at Rochelle, or at London, or whether it was written by an advocate, a refugee from Poiteau. In his Apology for Kings, 1580, he ascribed the translation itself to Buchanan, but in his *Martyre de Marie*, 1587, “Il a depuis adjousté à ceste declamation un petit libelle de pretendu mariage du Duc de Norfolk, et de la façon de son proces, et le tout envoyé aux frères à la Rochelle, lesquels voyants qu’il pouvoit servir à la cause, l’ont traduit en Francois et iceluy fut imprime à Edimbourg, c’est à dire à la Rochelle, par Thomas Waltem nom aposté et faict à plaisir.”⁶⁸ That it was

⁶⁸ Blackwood’s assertion in his *Apologia pro Regibus*, p. 28.
“ sed non fuit ea vis putidæ illius orationis quam ex Latino

CHAP. IV. translated by Buchanan is thus expressly retracted; but though Blackwood was ignorant of the translator's name, his information is otherwise explicit, that it was printed at Rochelle, and the book itself contains internal evidence that it was printed in France. The date, place, and printer's name would have been omitted, as in the two first editions; Edinburgh, at least, of which Mary's friends were then in possession, would not have been inserted, had it been printed in London; and *Edimbourg ville capitale d'Ecosse*, was an intimation not obvious to an English printer, though necessary abroad, where the name was little known or converted into *L'Islebourg*. The recent computation of the year, from the first of January, which prevailed only in France, is observed throughout, whereas an English printer, in an edition assigned to Scotland, would have dated the title, the colophon, and the execution of Mathers and Burney, *Fevrier, 1571*, according to the old computation from the 25th of March to which the whole island adhered at the time.⁶⁹ No French work had been

“Gallicam reddidisti,” is mere declamation; and his silence concerning Camus, disproves the imputation in the *L'Innocence de Marie*, which he must have seen.

⁶⁹ This alone is decisive. The French began the year at Easter, till 1563, when the chancellor L'Hospital altered it to the 1st of January, by an edict, registered by the parliament of Paris, in 1564; and the alteration was adopted in

The French
translation
printed at
Rochelle.

printed in England, the year books, Littleton and others in the Norman law language excepted;⁷⁰ but *Waltem*, a corruption of Walton, *Bothvvel*, *Bothinware*, *Carvwood*, *Lavvson*, *Ventvorth*, *Viltshire*, are expedients to supply the want of *W*

the Gregorian Calendar in 1584. Wraxal's Hist. iii. 347. The year began in Britain on the 25th of March, till altered in Scotland in 1599, and in England in 1751, when the Gregorian Calendar was first introduced. The civil year was retained, not only in the state papers but in the letters of the age, which, if written between the 1st of January and the 25th of March, are invariably dated, according to our present supputation of time, in the preceding year, without the more recent discrimination, 1571-2. See Digges, Forbes, Haynes, Murdin, &c. &c. Cecil's Letter, mentioning the execution of Mathers and Burney, is dated February 11th, 1571. In the French Detection, "au commencement de ceste annee 1572 estoit un Anglois, nomme Mather, lequel fut pendu avec un autre nomme Barne qui avoit demeure quelque tems en France." Afterwards, "le Caresme dernier, 1571," which according to the English computation was in Lent 1570. Norfolk's Attainder is dated, "le 16 du mois de Janvier dernier, 1572;" and the Colophon, "Acheue d'imprimer le 13 de Fevrier 1572." Mathers and Burney are mentioned, not as executed two days before, (Monday 11th,) but some time about the beginning of the year in which the book was printed. In the additions made to the Detection, a French printer assigning a false date to the edition, would adhere to his own computation of the year, without adverting to the fact, that a different computation was observed in Scotland. But an English printer would not have deserted his own; to adopt the French supputation of time, in a book assigned to the Scottish press.

⁷⁰ Herbert's Typographical Antiquities *passim*.

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in the French founts; and whoever examines the French edition, must be satisfied from the type, from the general correctness of the language, and from the peculiar corruption of proper names, that it required not only a French translator but a French press.⁷¹ The translator, in his preface, informs

⁷¹ From the type it is supposed, that the two first editions of the Detection were printed by John Day. But the French edition is in a different, and to all appearance, in a French type. *De Furoribus Gallicis*, *Le Reveil Martin*, and *Junius Brutus*, are quoted as books of which the title pages profess to be printed at Edinburgh, though they were published at London by the English court. Goodall, i. 38. But these were Huguenot productions on the troubles in France, and the assertion that they were printed in London, remains still to be proved. The first, *De Furoribus Gallicis*, a scurrilous pamphlet, according to Goodall, against the massacre of Paris, was printed in octavo, 1573, professedly at London, and very probably from the quarto edition dated at Edinburgh, 1573, but printed abroad. Herbert, pp. 972, 1496. The second is another pamphlet against the massacre, dedicated, in the Latin edition, to the States of Poland, with an epistle from Rheimes to the Duke of Guise, 1573, a sufficient proof that it was not printed at London. The third, *Vindicta Contra Tyrannos*, *Stephano Junio Bruto auctore*, was undoubtedly written and printed abroad. The preface is dated from Soleure; and after a controversy to discover the real author, greater than that concerning the English Junius, this celebrated book appears to have been written by Hubert Languet, and printed in 1579, at Lausanne. Bayle Dict. and Dissert. annexed. Herbert, p. 1497—1500. De Bure Bibl. Instr. 1956. It was then the practice to date prohibited or dangerous books from Edinburgh, but that these books were not printed in London is evident, because they contain no allusion whatsoever to English affairs.

the reader that nothing in antiquity equalled what had lately happened in Scotland, but there were two reasons to render it the less extraordinary :

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“ L'une si tu regardes la maison dont ceste Royne
 “ est issue, au moins du coste maternel, duquel
 “ n'y la cruaute, n'y l'impudicity n'ont jamais ete
 “ gueres esloingnées. Et pour l'autre l'education,
 “ et nourriture, qui souvent s'eschange au naturel,
 “ avec le bon conceil d'aucuns principaux de ses
 “ parens, et sur tout de celui, qui est la source et
 “ origine de toutes les guerres, cruaitez, et meur-
 “ tres inhumains advenus depuis 15 ou 16 ans, en
 “ la pluspart de l'Europe, et duquel je ne veux
 “ ici exprimer le nom, tant pour etre assez cog-
 “ neu, voire a tous par ses sinistres effects, que
 “ pour desire que j'auroye que quelqu'un (puis
 “ qu'il espere de son imortalite, et qu'il s'en tient
 “ honore) n' l'engrave, comme un second Eros-
 “ trate en son docte escrit.” His allusion to the
 queen's maternal descent and education, from
 which she had inherited or acquired the cruelty and
 lust of the house of Guise, indicates sufficiently that
 the translator was a Huguenot residing in France;
 who had been exasperated at her relations from
 the wars and persecutions that prevailed through
 Europe, and above all at the cardinal of Lorrain,
 her maternal uncle, whom he is afraid and refuses
 to name, during the pacification that preceded the
 massacre of Paris. The French edition was printed

therefore by the Huguenots, at Rochelle, ⁷² in the interval between its pretended date and the massacre, which took place on the 24th of August that same year.

The letters
translated
from the
Latin and
Scotch.

The translator proceeds to inform the reader, " Au reste les epitres mises sur la fin, avoient ete esrites par la Royne, partie en Francois, partie en Escossois, et depuis traduictes entierement en Latin, mais n'ayent connoissance de la langue Escossoise, j'ay mieux aimé exprimer tout ce que j'ay trouve en Latin, que me monstrant trop scrupuleux au changement d'une syllabe, te frustre de l'eclaircissement que tu y auras pour cognoistre a qui la fauté de l'execrable meurtre, et autres enormités y contenues, doivent etre imputées." That they were written partly in French, partly in Scotch, applies to the letters and sonnets, which the translator terms autres letters en rime Francoise, quelle lui ecrit avant que de l'epouser ;" and implies that the *epitres mises sur la fin*, were written partly (the sonnets) in French, partly (the letters) in Scotch ; not as erroneously supposed, that the queen wrote

⁷² Tytler asks how a libel against Norfolk, a staunch Protestant, could serve the cause of the Huguenots at Rochelle, i. 210. Elizabeth was considered as their protector by the Huguenots, to whom Mary's design to dethrone her was odious of course; and the Summary of Mary's Treasons was translated and added to the Detection, to prove the danger which Elizabeth, the head of the Protestants, incurred from the Papists. Jebb, i. 458—73. 420.

the initial sentence of each letter in French and the rest in Scotch.⁷³ The translator, who supposed that the letters were written originally in Scotch, necessarily mistook the initial French sentences, for a partial translation, to which he annexed his own; and added, that they were since translated entirely into Latin, an expression not relative to the whole of the letters, any more than to the sonnets or letters in rhyme. That he had no knowledge of the Scottish language, implies that he was ignorant, not of English, which he plainly understood,⁷⁴ but of the Scottish dialect, which induced him to translate all that he found in Latin, rather than appear too scrupulous to the alteration of syllables, to disappoint the reader of the information which he might thence derive. If the translation had been executed in England, during the conference, the supposed Camus, who understood English, had no occasion for a Latin translation, when the Scottish commissioners were present to explain such syllables as it was difficult to comprehend. Had the French edition been even printed at London, still the translator would have added a French version of the letters, the originals of which were in Scotland, beyond his reach. But the fact is now indisputable, that the French edition was printed at Rochelle: and when the preface itself announces, that the letters were

⁷³ Robertson, ii. 369.⁷⁴ Goodall, i. 107.

CHAP. IV. translated from the Scotch, through the medium of the Latin, nothing can be more impertinent than a parade of argument to prove that these are not the French originals, but translations from the Scotch.

State of the argument.

5. These preliminary observations are requisite, first, to refute the absurd assertion that the letters were repeatedly forged, with subscriptions, dates, directions, in a different language, and in greater numbers than were afterwards produced: secondly, to ascertain with what probability the forgery has been ascribed to so many persons, and what credit is due to the supposed confession of Lethington: and thirdly, to determine the real translator of the letters into Latin, and the time and place at which the French translation was printed abroad. We are now prepared to proceed to a critical and minute examination of the letters themselves. The chief objection has already been stated; that the French is translated from the Scottish originals, through the medium of the Latin; an objection to which this plain and direct answer is returned: That the initial French sentences prefixed to the Scotch, and adopted in the French version of the letters, so far from being translated from the Latin, are a part of the originals, from which the Scotch is a literal translation; and that the letters throughout are replete with French idioms, words, and phrases, such as could result only from a literal

version, professedly *translated, word for word*, from the original French. It is not sufficient to maintain in reply, that from the former intercourse between the two nations, frequent Gallicisms, and French words were introduced into Scotch. If a few French terms were necessarily adopted with the arts and articles imported from France, the language remained uninfected with French idioms, and whoever examines the state papers or compositions of this period, will be satisfied that few or no Gallicisms had found their way into style⁷⁵. But the real point in dispute is this; whether the initial French sentences are translations from the Latin, or a part of the originals from which the Scotch is translated; and

⁷⁵ The education of a few noblemen, or the service of some Scotch in France, or of French troops in Scotland, could neither alter nor add to the language, any more than the same causes could do at present. The names of fruits, manufactures, and terms of art, &c. were imported with the articles; but Tytler, (ii. 420.) gives a list of three-score Scotch words, among which we discover *horlage*, *bennison*, *malison* from *malice*, *ambry* (almonry) from *armoire*, *napery* from *nappe*, *maltreat*, *vert*, &c. as if these originally were not English words. The very watch-word of Edinburgh is derived from the French, (id. i. 222.) as if *gard a low* were not plain Scotch; or, as if the chambermaids had corrupted into *gare de l'eau*, the French exclamation *gare l'eau*, which they acquired, no doubt, from the French troops. But whoever examines Ruddiman's Glossary to Gawin Douglas's Virgil, will be satisfied how few French words have been introduced into Scotch.

CHAP. IV. whether the letters contain those peculiar idioms which are unavoidable in a literal translation of the same forms of expression used in French. The proof will be complete indeed, if it shall appear that the letters, when collated with others, abound not only with French idioms, words, and phrases, but with those peculiar expressions which Mary employed.

First Letter.

The letters are inserted in the appendix ⁷⁶, from the Scottish translation, with an additional English version of the first letter, to which, as “duly ‘translated into English,’ the minutes of the 9th of December apparently allude. This first, or long letter from Glasgow, is indorsed by Cecil; and Elizabeth’s initials, E. R. inclosed in triangles, indicate that it was inspected by the queen, for whose use perhaps it had been translated or transcribed. The Scottish version is professedly word for word from the French: the English translation adheres more frequently to the sense than to the idiom, and yet on some occasions preserves the idiom, where the other substitutes some equivalent phrase. The collation of both with the initial sentence will determine whether the French was translated from the Latin, or translated on the contrary into English and Scotch.

Initial sentence of the original, and the translations

The initial sentence of the first letter is, “*Estant party du lieu ou j’avois laissé mon cœur,*

⁷⁶ See Appendix, No. XXI.

" il se peult aysément juger quelle estoit ma con-
 " tenance, veu ce qui peult un corps sans cœur,
 " qui à esté cause que jusques à la disnée je n'ay
 " pas tenu grand propos; aussi personne ne s'est
 " voulu advancer, jugeant bien qu'il n'y faisoit
 " bon," &c. The Scotch is, " Beyng departit
 " from the place qhaire I left my hart, it is easie
 " to be judgit quhat was my countenaunce, seing
 " that I was even as mickle as ane body without
 " ane hart, quhilke was the occasioun that quhile
 " dinner time, I held purpois to na body, nor
 " yit durst any present thamselfis unto me,
 " judging that it was not gude so to do." The
 Latin, " Posteaquam ab eo loco discessi ubi reli-
 " queram cor meum, facilis est conjectura qui
 " meus fuerat vultus, cum plane perinde essem
 " atque corpus sine corde. Ea fuit causa cur
 " toto prandii tempore neque contulerim sermo-
 " nem cum quoquam, neque quisquam se offerre
 " mihi sit ausus: ut qui judicarent id non esse
 " ex usu." The English, " Being gone from the
 " place where I had left my heart, it may be easily
 " judged what my countenance was, considering
 " what the body may without heart, which was
 " cause, that till dinner, I had used little talk,
 " neither would any body adventure himself
 " thereunto, thinking that it was not good so
 " to do."

Here I might safely appeal to the taste and
 judgment of every impartial reader, to determine,

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without a comment, which is the original, and which the translations. The very first phrase, *estant partie du lieu*, demonstrates that it was not derived from the Latin, *posteaquam ab eo loco discessi*; but constitutes the original of which the Scotch and English, "being departed," or, "gone," *estant partie* "from the place," *du lieu*, instead of having left the place, are successive translations. The whole clause *estant partie du lieu ou j'avois laissé mon cœur*, is easy, tender and unaffected in French; but "being departed," or "gone from the place" "where I had left my heart," is almost as harsh, constrained, and unnatural in Scotch and English, as *ubi reliqueram cor meum* appears in Latin. The slight variation of the English, "where I had (ou *j'avois*) left my heart," proves that it was not transcribed from the Scotch, but translated literally from the original French. The next clause, *il se peut aisement juger (facilis est conjectura)* could not possibly be suggested by the Latin, but is translated almost literally in the Scotch; "it is easy to" "be judgit quhat was my countenance," and more literally still in the English; "It may be easily" "(peut aisement) judged what my countenance" "was." The context is indisputably a French idiom; *quelle estoit ma contenance*, her personal appearance, deportment, manner; (*sa contenance est d'avoir toujours les mains dans ses poches*;) and the phrase itself, "what was my countenance," *qui meus fuerat vultus*, so significant in

French, and absurd in Latin, is obscure, and hardly intelligible in English and Scotch. The third clause *veu ce qui peut un corps sans cœur*, is neither derived from the Latin, *cum plane perinde essem atque corpus sine corde*, nor translated into Scotch, “ seeing that I was even as mickle as ane “ body without ane heart.” Whitaker, who durst not contemplate the two preceding clauses, creates an intermediate Latin copy, in which the French editor read and translated *quantum potuit* (as meikle as) into *veu ce que peut*⁷⁷. But the whole clause consists of original French idioms, which the English, “ considering what the body may “ without heart,” by a slight transposition, has translated faithfully as to the words, but without preserving the sense. Having left the place where she left her heart, the amorous Mary pursues the conceit. It may be easily judged what my countenance, (personal appearance or deportment) was, *veu ce*, seing, considering this, *qui peut un corps sans cœur*, what can the body (do) without the heart ; phrases for which the supposititious Latin, *perinde essem*, *quantum potuit* could suggest no prototype, nor sense whatsoever. The last phrase also, *un corps sans cœur*, is peculiarly French ; and Tytler who remarks that the same elegance occurs in *corpus sine corde*, forgets that the latter is

⁷⁷ Whitaker, ii. 4.

CHAP. IV. not even a Latin idiom ⁷⁸, but an obvious translation in which the alliteration is fortuitously preserved, as the words in each language, *corpus sine corde*, *corps sans cœur*, are originally the same. *Mettre corps et cœur*, is a French proverb, to be rendered only by a similar alliteration, *with heart and hand*; and to remove all doubt which is the original, I would observe, that the same conceit recurs in one of Mary's letters to Elizabeth, the very next year. “Je vous envoie mon cœur en “bague et je vous ay apporté le *vray et corps en-“semble*” ⁷⁹;” I send you my heart in a ring, and have brought you the real one together with the body. In the succeeding clause, *qui a ete cause*, is not translated from *ea fuit causa*, and *jusque à la disnē* is the reverse of *toto prandii tempore*. Whittaker has again recourse to an intermediate, or corrected copy of the Latin, in which the French

⁷⁸ Tytler, i. 216. *Aliis cor ipsum animus videtur: ex quo excordes, recordes, concordesque dicuntur: et Nasica ille prudens bis Consul Corculum appellatus; et,*

Egregie cordatus homo Catus Ælius Sextus.

Cic. Tuscul. lib. i.

Non tu corpus eras sine pectore.

Hor. Epist. l. i. 4.

These passages approach the nearest to the phrase in question; but in these, *pectus* and *cor meum*, are the seat of the understanding; a very different signification from that of *cœur*, in the French phrase *corps sans cœur*.

⁷⁹ Anderson, iv. Part i. p. 49.

translator read *usque ad prandium*; but of such idle conjectures there is no end. *Qubile* still signifies until, not during; and the obvious meaning of the Scotch, “quhilk was the cause “that quhile dinner time⁸⁰,” is confirmed by the English, “which was cause,” *qu'il à été cause*, “that till dinner,” *que jusque à la diner*; each a literal translation of the French. The sequel, *je n'ay pas tenu grand propos*, is indisputably a French idiom, not derived from the Latin, *neque contulerim sernionem cum quoquam*, but translated obviously into Scotch and English, as literally, perhaps, as the language would admit. We are told indeed that the same idiom occurs repeatedly in one of Randolph's letters: “After these pur-“poses the council being dissolved: Of this pur-“pose we had long talk: This purpose fell in “upon the report of Levingstone: In long pur-“pose of this matter:” And in Murray's answer to the intended protestation; “I haif already “declairit the effect of the hail purposes spoken “in my audience; and in caise ony man will “affirm that I was present quhen ony purposes

⁸⁰ Whitaker, ii. 5-7. Robertson, ii. 363. Whitaker distinguishing between *quhill* and *quhile*, appeals to Buchanan's Detection, where the word invariably signifies *while*, because the translator was an Englishman. In the glossary annexed to his copy of Knox, he would have found, that *while*, in Scotch, signifies *untill*, the only acceptation in which it is found in the Letters and Confessions.

CHAP. IV. *“ were halden at Craigmilar in my audience, or
that ony purpose was halden anent the sub-
scribing of ony band by me⁸¹.”* In these instances, if we admit that the word is employed in a French acceptation, which is at least doubtful; still the English idiom is preserved in the phrase. But the real point in dispute is, whether the French is translated from the Latin, or the Scotch from the French. *“ Quhile dinner time, I held
purpois to na body,”* is an obvious translation of *je n’ay pas tenu grand propos*, with the omission or addition of a few words, as a literal version, till dinner I held no great purpose, was not even intelligible. The English, *“ I had (je n’ay)
used little talk;”* (*pas tenu grand propos*) is a literal translation, not like the Latin, (*contulerim sermonem cum quoquam,*) from the Scottish version; but from the French original, of which it preserves the construction and sense. And the same phrase occurs in Mary’s sonnet on the death of her husband, Francis II.

Si je suis en repos,
Someillant sur ma couche,
J’ oui qu’il me tient propos.

In the last clause, *Aussi personne ne s’ent voulu ad-
vancer*, is neither translated from the Latin, *“ ne-
que quisquam se offerre mibi sit ausus;*” nor ex-

⁸¹ Whitaker, ii. 408. Keith, 195. Goodall, ii. 321.

pressed correctly in Scotch, “ nor yet durst only ^{CHAP.}
 “ present themselfis unto me;” but is more
 faithfully rendered in the English version; “ nei-
 “ ther would any body adventure himself there-
 “ unto,” to converse with her on the road to
 dinner. The remainder, *jugeant bien qu'il n'y
 faisoit bon*, of which the Scotch and English,
 “ judging, (thinking) that it was not good so to
 “ do,” are imperfect versions, is strictly idioma-
 tical; not translated from the Latin, “ *ut qui judi-
 carent id non esse ex usu*,” that it was not *ad
 suam utilitatem*, for their advantage or interest.
 The French idiom implies that it was not fa-
 vourable, the Latin (*ex usu*) that it was not pro-
 fitable or useful to address the queen; but on this
 subject it is sufficient to appeal to every candid
 reader, whether *jugeant bien qu'il n'y faisoit bon*,
 be translated from the Latin, “ *ut qui judicarent
 id non esse ex usu*,” or the Scotch “ judging
 “ that it was not good so to do,” from the French
 original.

To the same impartial decision, the question
 may be referred, whether, in the French sentence
 which we have just examined, “ there is not a spirit,
 “ ease, and elegance to denote the original⁸²,” for
 which it is in vain to search in the three transla-
 tions. On collating the whole together, *estant
 partie du lieu*, being departed, (or gone) from the
 place, *posteaquam ab eo loco discessi*; *ou j'avoir*

⁸² Robertson, ii. 363.

CHAP. laisse mon cœur, quhaire I (had) left my hart, ubi reli-
 IV. queram cor meum; il se peut aisement juger quelle étoit
 ~~ ma contenance, it is easy to be jugit, (may be easily
 judged) what was my countenance, facilis est con-
 jectura qui meus fuerat vultus; veu ce qui peut un
 corps sans cœur, seeing that I was even as mickle as
 ane body without ane hart (considering what the
 body may without heart), cum plane perinde es-
 sem atque corpus sine corde; qui à été cause qui
 jusques à la dijée, quhilk was the occasion, (which
 was cause), that quhile dinner time (till dinner),
 ea fuit causa cur toto prandii tempore; je n'ai pas
 tenu grand propos, I held purpose to na body,
 (had used little talk), neque contulérím sermonem
 cum quoquam; aussi personne ne s'est voulu advan-
 cer, nor yet durst ony (neither would any body),
 present themselfis unto me (adventure himself
 thereunto), neque quisquam se offerre mihi sit
 ausus; jugeant bien qu'il ne faisoit bon, judging
 (thinking), that it was not good so to do, ut qui
 judicarent id non esse ex usu; whoever can be-
 lieve that the French is a version derived from the
 Latin, or hesitate, on the evidence of these idio-
 matical phrases, to pronounce it the common ori-
 ginal, from which the rest are translated, must be
 equally ignorant both of Latin and French.

Sequel to
the letter.

Not a single phrase in the French sentence pre-
 fixed to the Scotch, is derived from the Latin; but
 the very first step taken by the French editor,
 betrays his servile reliance on that translation.

The second sentence in Scotch is : “ Fower myle
 “ ere I came to the towne, ane gentleman of the
 “ earle of Lennox came and made his commenda-
 “ tions unto me, and excusit hym that he came
 “ not to meete me ; ” in the English translation,
 “ Four miles from thence, a gentleman of the
 “ earl of Lennox came and made his commenda-
 “ tions and excuses unto me, that he came not to
 “ meet me ; ” in Latin, “ *Ad quatuor passuum*
 “ *millia antequam ad oppidum accessissem, homo*
 “ *honesto loco natus, a Comite Leveniae ad me*
 “ *venerat, atque ejus nomine salutavit : Excusavit*
 “ *comitem quod non ipse obviam processisset ;* ”
 in French, “ *Estant encor a quatre mille pas de la*
 “ *ville, vint a moi un gentilhomme envoye par*
 “ *la compte Lenos, qu'il me salua en son nomme,*
 “ *et l'excusa de ce qu'il ne m'estoit venu au*
 “ *devant.* ” Here the translator adopts implicitly
 the Roman idiom, *quatuor millia passuum*; *ejus*
nomine salutavit; *obviam processisset*; and *homo ho-*
nesto loco natus, is rightly translated *un gentilhomme*,
 the only explanation of which it was susceptible.
 Beyond the initial sentence our modern apologists
 trace minutely, with the most preposterous diligence,
 the translator's servile adherence to the Latin; and very logically conclude that the letters
 must be forged, because a professed translation is
 not the original⁸³. The French preface assures

⁸³ “ If it can be shewn, that instead of the French copies
 being the originals, the Scotch copies are the true originals,

CHAP. IV. them in vain, that the letters were translated through the Latin into French. "How is it possible," they exclaim ridiculously, "to fix men who, after having, for two hundred years, quoted and insisted on these letters as originals, have now recourse to other letters which they acknowledge to be lost⁸⁴?" as if a single author,

and that the French are apparently translations from Buchanan's Latin, the conclusion plainly follows, that these French pretended originals, said to be written by queen Mary, are spurious. This Mr. Goodall has done:" Tytler, i. 184. Whittaker, ii. 11.

⁸⁴ Tytler, i. 192. In another place, "Hume and Robertson have been obliged fairly to acknowledge, that the French letters now extant, are palpable translations from Buchanan's Latin and Scotch copies, a *concession* the more remarkable, as it was never made before, by any individual on that side the question; the present French copy being always held to be the original, from the year 1572, until the day that Mr. Goodall published his Detection of this pretended original." Id. 188. Whether the concession was ever made, is no part of the question, for the fact was never asserted, nor dreamt of, that the French Detection contained the originals. Such a mistake could have arisen only from Jebb's Collection, in which the French Detection is inserted without the preface; but no such mistake was committed by Anderson, nor by a single writer from Buchanan down to Robertson and Hume. Tytler (i. 232.) quotes a passage from Knox; "In this cabinet had Bothwell kept the letters of privacy he had from the queen. These letters were after printed: they were in French, with some sonnets of her own making." 410, Tytler, who did not understand the controversy, but mistook Blackwood for a Frenchman, (i. 208-11.) and Calderwood for a contemporary of Mary's, (ii. 12.) was ignorant that the fifth

for these two hundred years, had maintained in opposition to the translator's preface, that the French version contained the originals. But the proper test of the letters, where the initial sentence terminates, is the perpetual recurrence of those Gallicisms in the Scotch, which are unavoidable in a literal translation from the French. To recite them at length were to anticipate half the letters, which the reader will be better pleased to peruse entire, and thus better enabled, than from detached passages, to determine in what language they were originally written. Such minute and verbal illustrations will be more intelligible in short notes subjoined to the letters, than inserted as a previous comment in the text; and as every purpose of confutation or proof may by these means be equally served, I shall proceed to more general observations on the letters themselves.

book of Knox's History, from which the extract is taken, was not written by Knox himself, but compiled from his papers by David Buchanan, in 1643; and the passage does not signify that the letters were afterwards printed in French, but that they, the originals, were in French when taken. David Buchanan had undoubtedly seen the Scotch and Latin Detection, (which, as it was printed in England, Blackwood appears in his *Apologia pro Regibus* not to have seen) but, he certainly never saw the French Detection; which, as it was printed abroad, was so scarce in Britain, that Ruddiman was unable to procure a copy when he published his edition of Buchanan. Ruddiman's Buchanan, Pref. 19.

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IV.Its frequent
Gallicisms
the test of
its authent-
icity.

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IV.Confirmed
by the
Queen's let-
ter to Be-
tina.

6. The long letter from Glasgow has been confirmed by the discovery of some secret circumstances to which it alludes. Hiegate's, and Walker's informations have been partly explained. The latter had informed the queen at Stirling, that her husband, assisted by some of the nobility, intended to seize and crown the young prince, and to assume the government in his son's name ; “ with sundrie utheris attemptis and purposis tending to this fyne ; and being pressed he nominate Hiegate for his chief author, who had said that if he had the samen moyen and credit with the quein he would not omit to make her previe to sic purposes and bruitis as passis in the countrie ; and said further, that the king could not content nor bear with sum of the nobilitie attending in our court, but other he or thay behavit to leave the samen.” Hiegate, his author, when sent for and examined by the privy council, apparently on the queen's return with her son from Stirling, denied the whole, but acknowledged that he had heard from Caldwell, Lord Eglington's servant, a report, “ That the king suld be put in ward, quhilk was schawen by Hiegate to the Laird of Minto, quha again declairit it to the erle of Lennox, and by him the king was maid participant thairoff, by quhas desire and commandement, Hiegate again, as he allegit, spake Caldwell ; ” but Caldwell when examined de-

nied the whole. These circumstances, to be discovered only in Mary's letter to archbishop Beton,⁸⁵ the day before her departure for Glasgow, explain the contents of her long letter to Bothwell, which were unknown to historians till the former letter had been published by Keith. The letter to Beton concludes with severe complaints of her husband's *busy inquisition* into her actions, and with bitter reflections on his father's inclination to disturb her government; and her letter to Bothwell, commences with an apology from Lennox, who was afraid to meet her, "because of the rude words "she spake to Cuningham," and his desire to "come to the *inquisition* of the matter she suspected him of;" which last is perversely applied to the murder of Rizio, to deduce a proof of forgery from a preposterous allusion to that remote event.⁸⁶ But the passage refers, and in the queen's own words, to the inquisition of Hiegate, in which Lennox was involved, and the rude words spoken to Cunyngham relate to a former message, not to a subsequent letter by Cunyngham, on the eve of Bothwell's trial, from Lennox to the queen. Nothing can be more probable than

⁸⁵ Supra, Keith Pref. 8. The letter is in Scotch, in the queen's hand; but Whitaker mistakes the original for a translation, and Madam Keralio's erroneous translation for the original, which, in different passages, she did not even understand. Whitaker, ii. 45. Note.

⁸⁶ Whitaker, ii. 16--22.

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when implicated in the inquisition of Hiegate, Lennox would send his confidential servant with letters from Darnley, to exculpate themselves from the imputation of an intention to seize the government; and accordingly the queen, on her first visit to her husband, "inquiris him of his "letters, quhairintill he playneit of the cruetie "of sum,"<sup>87</sup> on her next visit she asked "why "he would pass away in the Ingleshe ship," and then "inquirit him of the inquisitioun of Hie- "gate." His letters, and the English ship, are again referred to his former letters when he left the court in September, and had a ship ready to quit the kingdom;<sup>88</sup> but these facts, combined with the inquisition of Hiegate, are easily explained. It is properly termed the inquisition of Hiegate, who was examined upon his information to Walker; concerning a design to seize and crown the young prince, and to usurp the government; which the king denied, till she "schedewd "hym the very wordes was spoken. At quhilke

<sup>87</sup> Buchanan, without any view to confirm the long letter, informs us of the queen's correspondence with Darnley. "Superiorum mensium suspicionibus, per frequentes et amicissime scriptas literas (ut ipsa rebatur) sates perpurgatis;" (lib. xvii. p. 850.) and Lesly's reason for her journey, "her hearing and advertised, being, that he was repentant and sorrowful, and that he desired her presence," implies a letter or message from the king. Anderson, i. 12.

<sup>88</sup> Whitaker, ii. 50. 83—200.

“tyme he said that Minto had adverteist hym<sup>89</sup>  
 “that it was sayd that sum of the counsel had  
 “brought her a letter to be subscrivit to put hym  
 “in pressoun, and to slay him if he made resist-  
 “ence,” and that Minto “belevit the same to be  
 “true.” But that he “could not doubt of her  
 “in this porpois of Hiegattes,” being his “proper  
 “flesh, as weill as it was schawen that she refusit  
 “to subscrive the same;” and Blackwood, with  
 his usual veracity, assures us that Murray first in-  
 formed her of the conspiracy of her husband and

<sup>89</sup> To this passage the most preposterous objections are made, by Whitaker, that the king knew nothing of the inquisition; that the words spoken (to usurp the government) were reported by Walker, not by Heigate; and that he spoke to Hiegate, not to Minto, on the design to put him in ward, Whitaker. ii. 94. But the inquisition was made to discover the supposed design to usurp the government; the French genitive, “I enquirit him *of* the inquisition of Hiegate,” (Je l'enquis de l'inquisition) signifies touching, concerning the subject of that enquiry, which he denied, till she “shewed him the very words spoken,” by his father or himself; and the English version coincides minutely with her letter to the archbishop: “And then he said that Minto had sent him word (advertisit him, Scot.) that it was said that some of the council had brought me a letter to sign to put him in prison, and to slay him if he did resist, and that he asked this of Minto himself, who said unto him, “that he thought it was true.” According to the letter to Beton, Minto informed his father, that is, sent him word of the report, in consequence of which, he could not fail to interrogate Minto himself, before he examined Hiegate, Minto’s author, or directed him to speak to Caldwell concerning the truth of the report.

CHAP. IV. the nobility at Glasgow, and urged her to hasten thither with an army to prevent their designs.<sup>90</sup> From this apology for the words spoken, the fact is obvious: On the first notice from Minto, of a design to put him in ward, he or his father uttered those rash expressions, which Hiégate communicated to Walker, that they would seize the person of the young prince, and assume the government in his name: but on farther reflection, as he was “in great suspicion,” even “of his life,” he resumed the design of passing away, not in the former ship for Flanders, which must have lain in Forth, but in an English ship which Buchanan informs us was then in the Clyde.<sup>91</sup> The first was a sufficient cause for the removal of the young prince from Stirling, (January 14) the second for the queen’s sudden expedition to Glasgow, (January 21) to prevent her husband’s escape. The object of her journey undoubtedly was to bring him to Edinburgh, within her own power, by persuasion or force; and his intended departure seems to be obscurely intimated in her letter to the archbishop, that either he, or the nobleman with whom he was discontented, “ behooved to leave “ the samen;” by which Darnley probably meant

<sup>90</sup> Jebb, ii. 214. The sole foundation for Blackwood’s fiction, is Mary’s letter to archbishop Beton, which he must have seen, as he quotes the archbishop’s answer. Id. 215.

<sup>91</sup> Buchanan, 350. Lethington’s letter to Beton, Appendix, No. I.

the country, not the court which he had already abandoned.

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Her subsequent enquiries coincide exactly with <sup>Their exact coincidence</sup> her letter to Beton. “ He is angry when I speak “ of Walcar; and sayis that he lyes,” (in the information of his design to usurp the government) “ for I inquirit him upoun that, and that he was “ angry wyth sum of the lordis and wald threaten “ them.” The lords with whom he was discontented, are also named. “ He inragis quhen he “ hearis of Lethington, or of you, or of my bro- “ ther (Murray;) of your brother (Huntley) he “ speikis nathyng: He speikis of the erle of “ Ergyle; I am in feir (of Argyle; afraid of him in “ the English version) when I heare him speik, for “ he assuris himself that he hes not ane evill opi- “ nioun of him: He speikis nathing of tham, that “ is out, nouther gude or evill, but fleis that point.” The last passage, *of tham that is out*, in the English version, *those abroad*, is applicable, not merely to Morton, Lindsay, and Ruthven, to whom, though still prohibited to approach the court, a pardon had been granted on Christmas eve,<sup>92</sup> but to those from whom the pardon was still withheld. Among others not included in the pardon, Ker of Fauldsong, who forced Rizio from his mistress’s waist, and George Douglas, the late Earl of Angus’s natural son, who inflicted the first wound

<sup>92</sup> Whitaker, ii. 223.

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with the king's dagger, were excepted by the queen; but the passage applies peculiarly to the latter, as the countess of Lennox's brother, and Darnley's uncle, and prime confidant, in concerting the murder.<sup>93</sup> But the supposed forgers, Murray and Lethington, never would have introduced themselves in conjunction with Bothwell, as the objects of Darnley's distrust or aversion, purposely to exculpate Argyle and Huntley; and in another passage, " that he knew weill anewch " that my bruther had shewin me that thing " quhilk he had spoken in Striveling, of the " quhilk he denyis the ane half, and above all, " that ever he cum in his chamber;" Murray never would have represented himself as betraying Darnley's conversation and actions to the queen. It is not sufficient to affirm that in these passages, in order to authenticate the letters, they availed themselves of incidents known at the time. The coincidence of their supposed forgery with a genuine letter, was unknown to themselves, nor was it discovered till the last had been published by Keith; but the exact coincidence of the two letters, which is unaccountable on the supposition of forgery, was unavoidable to Mary in writing successively on the same subject to Beton and to Bothwell. A forger, who invariably addresses the public, would have entered minutely into

<sup>93</sup> Calderwood MS. ii. 14. Robertson, ii. 481. Melvil, 64. Murdin, 763.

those facts to which Mary alludes incidentally, as already known to Bothwell, but which she explains at length in her letter to Beton; and for the same reason the answers of her husband are minutely related as important to Bothwell, to whom the facts themselves were sufficiently known.

The precise date of the letter remains to be ascertained. Mary, who had left Edinburgh on Tuesday, January 21, and reached Glasgow on Thursday 23, informs Bothwell that the king sent for Joachim, according to the Scottish version, yesternight, to discover the cause of her arrival; and proceeds immediately to her first visit and conversation with Darnley, before and after supper, when he had requested her to return. On the last conversation concerning Hiegate, she observes to Bothwell, “*the morne* I will speake to “*hym* (Minto) upon thys point;<sup>94</sup>” and concludes their first night’s conversation thus: “He would “not let me depart from him, but desirit that I “suld wake with him—I excusit myself for *this* “*night* that I could not wake. *Thys day* hys fa-“ther bled at the mouth and nose.—*This is my*

Precise  
date of the  
first letter.

<sup>94</sup> The Scotch copy adds, “As to the rest of Willie Hie-gaites he confessit it, but it was the morne after my cum-ming or he did it;” in the English, “the rest as Will Hie-gate confesses, but that it was the next day that he came hither;” from the diversity of which, nothing can be inferred. From the indistinctness of Mary’s hand, the first and third persons, *ie* and *it* are frequently confounded in the two versions.

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“first journey, (day’s work) I sall end the same *to*  
“morrow. I am in doing of a werk here, that I  
“hait greatly:” which the English version ex-  
plains: “but I had begun it (the letter) *this morn-*  
“*ing.* I am gangand to seek mine (repose) till  
“*the morne,* quhen I sall end my Bybill.” The  
letter was begun in the morning, and written  
thus far at least, on Friday the 24th, the day after  
her arrival at Glasgow, to which, and to the inci-  
dents of the preceding day, it is strictly confined.  
But she proceeds, “I am irkit, and ganging to  
“sleipe, yet *I cease not* to scribbill *all this paper,*  
“inasmikle as restis thairof;” in the English, “I  
“cannot forbear scribbling as long as there is any  
“paper.” Three sentences afterwards, ten de-  
tached notes or memorandums occur, of which  
nine relate in succession, each to a distinct topic  
in the preceding part, and the tenth “of Monsieur  
“de Livingston” is resumed in the postscript or  
continuation of the letter. “I had almost forgot  
“that, Monsieur de Livingstoun sayd at suppar  
“—and after suppar he sayd to me, ye cannot  
“be sa welcum to thame (Darnley) as ye left sum  
“body *this day* (Thursday) in regrait.” Thus,  
instead of deferring her letter till the next morn-  
ing, she continues scribbling till late at night, and  
when her paper failed, she resumed the last topic  
in her notes, which was almost forgotten, on the  
sheet containing those notes or memorandums of  
the preceding day. She proceeds to the detached

incidents of the second day, and the remainder of the letter, which had been begun in the morning, was finished that night. “ I wrought thys day “ quhilk it wes twa houris upon thys bracelet;” and in her haste to conclude what was considered at York as the postscript to her letter,<sup>95</sup> she gives frequent credit to the bearer, “ because I haif over “ mikle to writ, and it is lait, I gief traist unto him “ upon your word. He desiris me to come and see “ him ryse *the morne* betyme, and if I learne any “ thing heir, I wyll make you memoriall *at evin* ;” in the English, “ every night a memorial thereof.” She concludes, “ it is lait, I desire never to *ceisse fra* “ *writing to you*, yet now after the kissing of your “ hands, I will *end my letter* ;” which she had prolonged beyond her intention, as long as her paper lasted, on the additional sheets containing the memorandums of that and of the preceding day. This fact she explains herself: “ Excuse my evill “ wryting,—and, excuse that that is scribbled, “ for I had no paper yesterday, quhen I wrayt “ (took, Eng.) that of the memoriall ;”<sup>96</sup> of which the only interpretation is, that she had used her

<sup>95</sup> Anderson, iv. Part ii. p. 72.

<sup>96</sup> The English may appear to be different, but the meaning is the same. “ Excuse also that I scribbled, for I had yesternight no paper, when I took the paper of a memorial.” *Faire un memoir* is the French, “ to take a memorandum,” is the English idiom; *et quand je fis cela de memorial*, seems to have been variously translated, in the Scotch and English versions, when I wrayte, or took, that (paper) of the memorial.

CHAP. letter paper for the memorandums of Thursday  
IV. night. The notes or memorial of yesterday, containing the transactions of Thursday, ("yester-  
" night the king sent for Joachim") fix the date of the letter on Friday, and its whole tenor demonstrates that it was begun and finished on the same day. It concludes with another series of notes, relating, all but one, ("of his mother") to the contents of the postscript; and these are either the notes of Friday, written after the letter was begun in the morning, or the credit given to the bearer, whom, from the next letter, the commissioners at York understood to be Paris. But the memorial of yesterday, are the notes in the middle, of the transactions on Thursday, when she was prevented from writing as she watched with the king. "She " excusit herself *this night*," Friday, and instead of " ceasing to write when irkit, and ganging " to sleep," at her accustomed hour, as she continued scribbling till late at night, the letter, instead of being deferred till morning, much less till the next evening, was finished at midnight, on the same day on which it was begun.

The objections to this explanation are of no force. The memorial of yesterday relates, says Tytler,<sup>97</sup> to a separate paper of credentials to the bearer; *as if that thing that is scribbled, were not the memorial of yesterday, or required an excuse*

<sup>97</sup> Tytler, i. 273. Whitaker, ii. 143—232.

distinct from that for her evil writing, if not inserted in the letter itself. But when the notes in the middle, relate, all but the last, to distinct topics in the preceding, and the last is resumed in the succeeding part of the letter, it is impossible to consider these as the credit given to the bearer, or to suppose that the writer, at the close of each day, summed up the contents to Bothwell. The fact undoubtedly is, that Mary, writing till late at night, continued her letter when the paper failed, on the same sheets on which she had taken previous memorandums of its contents: and as she was a ready writer, accustomed in England to sit up till past midnight,<sup>98</sup> there was sufficient time for a letter of four sheets, begun in the morning, to be finished that night.

7. The second letter in the Latin, but the first <sup>second letter.</sup> in the English edition, is dated "from Glasgow  
" this Setterday in the mornyng," and was sent by Beton, an accidental messenger, who returned to Edinburgh on some business of his own. The <sup>Initial sentence.</sup> initial French sentence is " Il semble qu' avecques  
" vostre absence soit ioynt l'oublie, veu qu' au  
" partir vous me promistes de vos nouvelles : Et  
" toutesfois je n'en puis apprendre," &c. The Scotch; " It appears that with your absence  
" there is alswa joinit forgetfulness, seand that at  
" your departing, you promisit to make me ad-

<sup>98</sup> Haynes, 511.

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“ vertisement of your newis from tyme to tyme :”  
 The Latin ; “ *Videtur cum tua absentia conjuncta esse oliviscentia, presertim cum in tuo discessu, promiseras quod me certiorem faceres, si quid incidisset tibi novi, per singula prope momenta.* ”  
 Here the spirit, and superior elegance of the French original are again conspicuous. *Il semble qu' avec votre absence soit joint l'oublie,* is a natural and easy expression of gallantry ; but “ *It appears that with your absence there is alswa joinit for-“ getfulnes,* ” is almost as harsh and constrained in Scotch, as *videtur cum tua absentia conjuncta esse oliviscentia,* in Latin. “ *Il semble que, soit joint,* ” are not the same with “ *videtur cum tua, conjuncta esse,* ” but the originals from which the Scotch, “ *It seems that, there is alswa joinit,* ” are obviously derived ; and the very inversion of the phrase, *qu'avec votre absence soit joint l'oublie,* so familiar in French, is uncouth and stiff in the translation ; “ *that with your absence there is alswa joinit for-“ getfulness.* ” The next clause, *veu qu'au partir,* is not derived from *presertim cum in tuo discesse,* but is translated into “ *seand that at your departing,* ” in the Scotch ; and *vous me promistes de vos nouvelles,* is an idiom peculiarly French, which the translators and commentator have all mistaken. The Scotch translator has recourse to a paraphrase, “ *you promised to make me advertisement of your news ;* ” and the Latin still more circumsly, *promiseras quod me certiorem faceres si quid*

*incidisset tibi novi*; from which the French undoubtedly is not derived. But the French translator, according to Whitaker, having rendered *promiseras si quid incidisset tibi novi*, by *promistes des vos nouvelles*, guessed at the meaning of *certiorem faceres*, and added *et toutesfois je n'en puis apprendre*, as a blundering translation of what he did not comprehend<sup>98</sup>. Neither Wilson nor Whitaker, it seems, understood the common French phrase, *vous me promistes des vos nouvelles*, you promised to let me hear from you, or know how you did; and Mary, who reminds Bothwell of his promise on Thursday, that she should hear from him soon, complains on Saturday, *et toutes fois je n'en puis apprendre*, and yet I can learn nothing of them, *de vos nouvelles*. The same idiom occurs in the first letter; “I am fashit that it stops me to write news “of myself unto you;” in the English version, “from writing unto you of news of myself;” *de nouvelles de moi-même*: Henry IV. writes to his mistress, the duchess of Beaufort; “J’ay recu ce “matin à mon reveil *de vos nouvelles*:” and archbishop Beton, whose vernacular language, from his residence at Paris, was necessarily infected with French idioms, employs the same phrase in a letter to Mary; “yet can I not be out of feir while “I heir of your novellis.” The Scottish translator, transcribing the expression literally, *de vos nou-*

<sup>98</sup> Whitaker, ii. 295.

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~~~ *velles*, guessed at the context, and from the first word, *toutesfois*, gave us, “from tyme to tyme,” which Wilson translated, “per singula prope me-“menta.” But an idiomatical French phrase, peculiar to the language in which alone it is significant, demonstrates beyond contradiction that the initial sentence is a part of the original, of which the Scotch and Latin are two successive, and servile translations.

Remainder of the letter. The same idiom pervades the whole letter. In the next sentence, for instance, “The awayting “upon tham (vos nouvelles) yesterday, causit me “to be almaist in sic joy as I wil be at your re-“turning, quhilk ye have delayit langer then “your promise was.” Whatever was the arrangement of the original sentence, Bothwell had promised, not to return, but, *de ses nouvelles*, to let her hear from him or rather to send her notice yesterday: but the initial sentence no sooner fails, than the French translator adopts the obvious mistake of the Latin and the Scotch; “quem (reditum) distulisti ultra “quam promiseras:” “votre venue; laquelle vous “aves differee plusque ne m’avez promis.” In a subsequent sentence, “advertise me of your “news at length,” the Latin, *fac me certiorem de tuis rebus prolixe*, is translated literally, *faites moi savoir bien au long de vos affaires*; a sufficient proof that the French translator was neither ignorant of *certiorem facere*, nor the author of *promistes*

de vos nouvelles in the initial sentence of the French original.

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The letter contains other idioms indisputably French: but the notice expected from Bothwell, was, whether the king should be carried to Craigmillar, or to the Kirk of Field. Having dispatched her long letter overnight by Paris, she expected on Saturday morning to hear from Bothwell, who had promised on Thursday to send her notice next day. She writes therefore by Beton, a casual messenger, that “ Howbeit she had na fur- “ ther news from Bothwell, according to her com- “ missioun she would bring the man with her to “ Craigmillar upon Monday—gif she get na newes “ in the contrary, and prays him—advertise me “ of your newes (let me hear from you) at length, “ and quhat I sall do in case you be nat returnit “ quhen I am come thare ;” which refers explicitly to the journey intimated in her first letter ; “ gif “ ye be in Edinburgh at the receipt of it, send me “ word sone.” That journey so peculiarly important to Mary, has already been explained ; and she prays Bothwell to send her *gude newes of his voyage*, which the supposed forgers were so desirous to conceal.

On what occasion written

8. The third and last letter in the Latin, but the fourth in the English edition of the Detection, begins “ J’ay veille plus tard la haut que ie n’eusse “ fait, si ce n’eust esté pour tirer ce que ce porteur “ vous dira, que ie treuve la plus belle commodité

Third letter.  
Initial sentence.

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 “senter:” in the Scotch, “I have wakit laiter  
 “thair up then I wald have done, if it had nat  
 “bene to draw sum thing out of hym, quhilk this  
 “bearer will shew you, quhilke is the fayrest  
 “commoditie, that can be offerit to excuse your  
 “affaires:” in the Latin, “Iuitius illic morata  
 “sum quam volebam, nisi id factum fuisset, ut  
 “aliquid ex eo exculperem, quod hic tabellarius  
 “tibi indicabit, quæ est bellissima occasio quæ se-  
 “poterat offerrc ad excusandum nostra negotia.”  
 In this initial sentence, the Latin translator, who  
 was certainly not Buchanan, mistaking *wakit* for  
*waited*, converted the first clause into *Diutius illic morata sum*; but in answer to this observation of  
 Robertson’s, Whitaker supposes, by a double so-  
 lution, that Buchanan read, *I wakit laiter up thair*, and that the intermediate, or corrected copy of  
 the Latin, contained *Diutius illic vigilavi sursus*, from which the French *J’ay veillé plus tard la haut*  
 was literally derived<sup>99</sup>. It is unnecessary to ob-  
 serve that an intermediate Latin copy, more cor-  
 rect than the press, is an absolute fiction, to ob-  
 viate the derivation of the Scotch from the French.  
 But the man must be blind or ignorant of the lan-  
 guage indeed, who perceives not the genuine  
 French idiom, *J’ay veillé plus tard la haut*, (*monter  
 la haut*) I watched later above stairs, of which the

<sup>99</sup> Robertson, ii. 366. Whitaker, ii. 261.

Scotch, I waikit laiter, *la haut, thairup*, is a literal version, hardly intelligible without the French original, and utterly unintelligible to the Latin translator. The context, *que ie n'eusse fait*, is no translation of *quam volebam*, but is translated literally, “than I wald have done.” Much less is the next clause, *si ce neust esté pour tirer ce que ce porteur vous dira*, derived from the Latin, *ut aliquid ex eo excusarem quod hic tabellarius tibi indicabit*. On the contrary, it is translated almost literally into Scotch, “if it had not bene to draw sum thing “out of him quhilke this bearer will schew you;” and it is observable that *factum fuisse*, is transferred apparently from the former clause, *que je n'eusse fait*, “than I wald have done:” “sum thing out “of him,” *aliquid ex eo*, is inserted in both versions to render the sense of the original explicit; and the licentious translation of *vous dira*, “shew “you,” is preserved in *tibi indicabit*, as a proof that the French original is derived neither from the Latin nor from the Scotch. In the next clause, *que je trouve la plus belle commodité*, there is no trace of the Latin, “*qua est bellissima occasio*;” *pour excuser votre affair qui se pourroit presenter*, “*qua se poterat offerre ad excusandum nostra negotia*;” but the Scotch is as evidently derived from the French as the Latin from the Scotch: “*quhilk is the fairest commodite that can be offerit to excuse your affairs*,” in which *la plus belle com-*

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modite, pour excuser votre affaire, are French phrases  
literally transcribed.

Collated  
with the  
transla-  
tions.

To determine which is the original and which the translations, on collating them together, *J'ay veillé plus tard la haut, I wakit laiter thair up, diutius illic morata sum, qui ie n'eusse fait*, than I wald have done, quam volebam, *si ce n'eusse été*, if it had not bene, nisi id factum fuisset, *pour tirer ce que ce porteur vous dira*, to draw sum thing out of him quhilk this bearer will schew you, *ut aliquid ex eo exculparem quod hic tabellarius tibi indicabit, que je trouve la plus belle commodité*, quhilke is the fayrest commodite, quæ est bellissima occasio, *pour excuser vostre affaire qui ce pourroit presenter*, that can be offered to excuse your affairs, quæ se poterat offerre ad accusandum nostra negotia; no doubt can remain that the French, instead of being a translation from the Latin, is the original from which the Scotch and Latin were successively derived.

Its date and  
purport as-  
certained.

The purport of this letter is explained by the commissioners at York. "After the device of the murder was determined, they (the Scottish commissioners) inferred upon a letter in her own hand, that there was another mean of a more cleanly conveyance devised to kill the king; for there was a quarrel made betwixt him and lord Robert of Holyrood-house, by carrying of false tales betwixt them, the queen

“ being the instrument, as they said, to bring it to pass: which purpose, if it had taken effect, “ as it was very likely, for the one giving the lye “ to the other, they were at daggers drawing, it “ had eased them of the prosecution of this “ devilish fact<sup>100</sup>.” The letter from which this device was inferred, instead of being lost, as erroneously supposed, appears to be the identical letter now under review. The secret which she remained till late above stairs to draw from the king, was the intimation which he had received from lord Robert, her natural brother, who, according to Buchanan, “ *uxoris insidias ad eum deferre est ausus,*” according to Melvil, “ told him, (Darnley,) that if he retired not hastily out of that place, it would cost him his life, which he told again to the queen<sup>101</sup>,” whose inven-

<sup>100</sup> Anderson, iv. Part 2d. p. 61.

<sup>101</sup> It is observable that the real cause of the quarrel, lord Robert's confidential information to Darnley, of his wife's conspiracy against his life, was concealed at York, and in Buchanan's Detection, for which a sufficient reason will be afterwards assigned. But Buchanan, writing without any controul, and when the reasons for concealment had ceased, explains the whole fact in the history: “ *Unus inventus est Robertus, Reginæ frater, qui sive facinoris atrocitate, sive adolescentis misericordia motus, uxoris insidias ad eum deferre est ausus, sed ea lege, ut rem apud se tacitam contine-ret, ac suæ incolumitati, quam posset commodissime consuleret. Id Rex cum, pro sua consuetudine, Reginæ indicasset, Robertusque advocatus rem constanter negaret, alterque*

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tive brain conceived, and represented it to Bothwell "as the fairest commodity to excuse his affairs." In the next sentence, she "promised " to bring him to him the morn," when she confronted her brother with her husband on Saturday; and she desires Bothwell to "put order unto " it if ye finde it gude," by inciting some quarrel

alterum mendacii argueret, et uterque ad arma manum ad-  
movisset, Regina, hoc spectaculo leta, quod sine suo labore  
et molestia, suorum consiliorum exitum in propinquu videret,  
alterum fratrem Jacobum advocat, velut ad litem dirimen-  
dam: revera, ut ipse quoque per occasionem tolli posset,  
nemo enim earum rerum aderat arbiter, præter unum Bothue-  
lium, qui inferiorem potius in eo certamine conficeret, quam  
dissentientes destineret: quod adeo verbis testatus est, cum  
diceret; nihil esse, cur Jacobus tantopere properaret, ut ho-  
mines non ita pugnandi cupidos dirimeret." Hist. p. 350.  
Above a century after Buchanan's death, the principal facts  
were confirmed by Melvil's Memoirs. " Yet lord Robert,  
earl of Orkney, told him that if he retired not hastily out of  
the place, it would cost him his life, which he told again to  
the queen; and my lord Robert denied that ever he spoke it.  
*This advertisement* moved the earl of Bothwell to haste forward  
his enterprise." Melvil, 78. It is obvious that the scene  
which passed when lord Robert was confronted with Darn-  
ley, and denied the words, is suppressed by Melvil, or his edi-  
tor, out of tenderness for the queen. But the principal facts  
are preserved; that Darnley received and communicated the  
intelligence to the queen, which lord Robert then denied;  
and that this advertisement hastened the execution of Both-  
well's plan. Buchanan's veracity has been confirmed on the  
most disputed facts, by subsequent discoveries in the course  
of this work.

between those fierce young men. The letter therefore was written at the Kirk of Field, on Friday, the second night that the queen slept in the lower apartment, when Paris informs us that he carried letters to Bothwell that night: that she observed on Saturday morning to those of her chamber, that there had been a quarrel between the king and lord Robert, who had a fair opportunity to have killed him then, as none were present to part them but herself; and that she sent Paris in the evening with a message to Bothwell, that it would be best to persuade her brother to go with Blackadder to the king's chamber, to do that which Bothwell knew, which would cost him only a short imprisonment in the castle<sup>102</sup>. Having intimated what detained her so late above, she proceeds to other topicks, her fears and jealousy of Bothwell's wife, whom she compares indirectly to the "second lufe of Jason," as she claimed the merit of a prior and exclusive attachment herself. Not that she wald compare him to one so unhappy as Jason, nor herself to one so unpityful as Medea; " howbeit ye cause me to  
 " be sum quhat lyke unto hyr in one thing that  
 " touchis you or may preserve and keep you  
 " unto her to quhom only ye appertaine; if it be  
 " sa that I may appropriate that quhilk is wonne  
 " through faythful yea only luffing of you."

<sup>102</sup> Paris' second confession. Appendix, XXIV.

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The faithful or willing obedience which she so frequently professes to Bothwell; “his gude grace of the quhilk her behaviour sall assure, her;” her constant fear to offend him; “now Syr I have broken my promise” (not to write nor to send) “yet I haif not done this to offend you;—though faythful yea only loving of you as I do and sall do all the days of my lyfe,” are the same sentiments and almost the same words which occur in her subsequent letters to Norfolk. “I trust in God you shall be satisfied with my conditions and behaviour and faithful duty to you. I wrote to you before to know your pleasure. Let me know your mind, and whether you are not offended at me, as I fear you are: I have sought to avoid displeasure for fear of you:—Believe him of all that he will assure you in my name, that is in effect that I will be true and obedient unto you, as I have promised, as long as I live<sup>103</sup>.” In these we discover the same artful professions of obedience, the same protestations of eternal constancy, to efface the impression of her recent, or frequent change, the same affected apprehensions to offend as in her letters to Bothwell; with this difference, that the former are addressed to a weak, but well-meaning nobleman; the latter to a libertine, in obscure, but indelicate terms, on the subject of their guilty loves.

<sup>103</sup> Hardwicke State-Papers, i. 191—2—3.

After these professions, to which Mary was so peculiarly addicted, she returns to the first purport of her letter, “advertyse me tymely in the morn-  
 “ ing, how ye have faren (succeeded with lord Ro-  
 “ bert) for I will be in payne unto I get word.  
 “ Make gude watch, if the burd eschaip out of the  
 “ caige, or without her mate, as the turtur I sall re-  
 “ mayne alone for to lament the absence howschort  
 “ that soever it be.” In this obscure sentence, the first clause relates to Darnley’s information from her brother, which she had just discovered; the second to herself; and the third to Bothwell, whom she desires to make gude watch, if the burd (her husband) eschaip out of the cage (the Kirk of Field) or, as the turture, without her mate she shall remain alone to lament the absence; (of Bothwell her mate;) in which she abandons the sense for a poetical conceit from her favourite Ronsard. “This letter,” she adds, “will do with a gude hart, that thing quhilk I cannot do myself, if it be not that I have feare that ye are in sleeping;” alluding to some emergent business which she herself was unable to manage at the Kirk of Field, and which Bothwell was required to undertake that night. “I durst not write this,” she concludes, “before Joseph, Bastian, and Joachim, that did but depart even quhen I began to write;” and for whom there was no accommodation at the Kirk of Field, the place to which the whole letter indisputably refers.

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Fourth letter:  
Initial sentence.

9. The fifth letter in the English edition, is the third apparently in the order of time. The initial sentence is, “ *Mon cœur helas!* fault il que la follie. “ *d'une femme, dont vous cognossez assez l'in-* “ *gratitude vers moi, soit cause de vous donner* “ *desplaisir :*” in Scotch, “ *My hart, alas!* must “ *the follie of ane woman, quhose unthankful-* “ *nes toward me you do sufficiently knew, be oc-* “ *casioun of displeasure unto you?*” Whether the tender, unaffected exclamation, *mon cœur helas!* or the harsh constraint of the Scotch, *my hart alas!* be the original phrase, is a needless enquiry; for in each language its signification is different. *My hart alas!* is an affected apostrophe to her own heart, as in the Scotch song, *Waes my heart that we should sunder:* and implies a lamentation of her misery at having unconsciously incurred the displeasure of Bothwell. *Mon cœur helas!* my love! my dear! is an expression of tender, familiar endearment, peculiar to French, (*mon cœur, mon petit cœur, mon cher cœur*) not addressed to herself but to Bothwell, to whom the same epithet is repeatedly applied in the sonnets.

Par vous, *mon cœur!* et par votre alliance.

*Mon cœur!* mon sang, mon ame, et mon souci.

Las! vous m'avez promis.

Et soupçonnez, *mon cœur!* sans apparence;

And does suspect (my hart) without any appearing cause.

On which last, the remark of Whitaker's, that the Scotch has turned *mon cœur* into an address<sup>104</sup>, betrays his ignorance of the French idiom. In the letter already quoted, Henry IV. writes “*Mon cœur ! j'ay resceu ce matin a mon reveil de vos nouvelles ; cela me rend, &c. My heart, I this morning on my waking had tidings of you, which will render this a happy day ;*” and many of his letters to the duchess of Beaufort begin, *mon cœur ! mon cher cœur !* The Latin edition contains only the three former letters ; but the apologists for Mary, who produce the Scotch as the original, and affirm that the French has been uniformly translated from an intermediate Latin copy now lost, must also maintain that the initial French sentence is derived from the Latin ; *mon cœur helas !* from the intermediate literal translation of “*my hart alas !*” But *meum cor eheu !* would be a curiosity indeed. *Faut il que la folie d'une femme*, which I presume that no one will derive from *oparet ne stultitiam unius fæminæ*, is imperfectly translated, “*must*,” instead of *ought*, “*the folly of ane woman :Dont vous cognoissez assez l'ingratitudo vers moy*, of which, as less suitable to the Scotch, the literal arrangement, of whom you sufficiently know the unthankfulness towards me, was altered to “*whose unthankfulness towards me ye do sufficiently know ;*” but if translated

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IV.<sup>104</sup> Whitaker, iii. 73.

CHAP. IV. from the Scotch, the French would have adopted the same arrangement without violence to its French idiom; dont l'ingratitude vers moi vous cognissez assez, or, bien. The last clause, *soit cause*, is literally translated “be occasion,” *de vous donner desplaisir*, “of displeasure unto you,” which inverts the meaning of the whole sentence, from the French sense of *deplaiser*, *donner*, *fair deplaiser*, to occasion grief, discontent, vexation, to the English displeasure, offence, anger, indignation at the queen. In the French sentence, by the most endearing expressions, *mon cœur faut il*, “ought the folly of ane woman to be the cause,” *de vous donner desplaisir*, Mary endeavours to sooth Bothwell for the vexation which he had suffered, in the Scotch she endeavours to deprecate the displeasure which she had incurred.

Date. This letter, which we postponed for purposes of convenience, seems to have preceded the former; and is still preserved in the Paper-office, not only in an English translation, but, as I believe, in the original French. It was written apparently on Wednesday or Thursday night, when the queen slept first at the Kirk of Field, and Paris carried letters to Bothwell between eleven and twelve. The jealousy which she discovers afterwards of lady Bothwell’s influence, corresponds with her previous conversation with Paris, whom Bothwell had forbidden to mention that his wife was with him; but the queen urged him, among other

topicks, to speak of lady Bothwell that same night<sup>105</sup>. The same subject that dwelt on her mind, is very naturally introduced at length, in her letter on Friday, from which it appears that Bothwell had disapproved of those nocturnal messages, as “ she had promised neither to write nor “ to send.” The purport of this letter, as explained in the title prefixed to the translation, is the departure of Margaret Carwood, her confidential maid, “ quha was previe and ane helper of “ all their lufe,” and at whose indiscretion it appears that Bothwell was alarmed or vexed. The queen observes that she “ cauld not have reme- “ died their unto without knowing it; and since “ that she perceived it, she could not tell it him, “ for that she knew not how to govern herself “ therein; and if he did not send her word that “ night, she should rid herself of it, and hazard

<sup>105</sup> Paris's second Confession; Appendix. The letter concerning Margaret Carwood, contains no reference to the bearer. Accordingly Paris informs us, that the first letter with which he was sent on Wednesday or Thursday night, was without any credence; *mais rien de creance*. But in mentioning incidentally that the queen slept again on Friday night at the Kirk of Field, and again sent him with letters to Bothwell, he was immediately interrogated, if he had heard nothing farther of the murder on Saturday morning. This question appears to have diverted his attention, from the credence to which the letter concerning lord Robert refers, to the queen's conversation on Saturday with those of her chamber.

CHAP. IV. “ to cause it to be enterprised, which might be  
“ hurtful to that whereunto both they did tend.”  
What she could not prevent nor mention, is supposed to be the discovery that her maid was with child by Bastian, in which, from her confidant’s knowledge of her own amour, she was at a loss how to govern or conduct herself. What she would rid herself of, and cause to be enterprised, was the departure of Margaret Carwood, whose marriage she proposed to accelerate, “ which might “ be hurtful to that, (their own union) where-“ unto they did both tend: and when she shall “ be married,” the queen, “ beseeches Bothwell “ to give her one, (another confidant) or else she “ would take such as should content him for their “ conditions, but for their tongues, or faithful-“ ness towards him, she would not answer.” Amidst the cautious and studied obscurity of the whole letter, it is evident that Margaret Carwood’s disgrace at court, and departure at that juncture, was dangerous to Bothwell, while Darnley was alive. His answer was returned that same night, with a verbal message, that he would not sleep till he had finished his enterprise, or forced Bastian, perhaps, to the marriage, which the queen would cause to be enterprised, or patched up in haste; and it appears from Paris’s first declaration, that Margaret Carwood was privy, not only to the adultery, but to the designs against

Darnley's life<sup>106</sup>. That she was possessed of such a dangerous secret is confirmed by a pension of three hundred marks, for which she obtained the queen's signature the day after; on Saturday, the day preceding her marriage and the murder of the king<sup>107</sup>.

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10. The four letters preceding the murder are therefore genuine, and the chronological objections to their dates are entirely removed. Goodall, the first who employed such arguments, maintained, from the dates preserved in the public records, of charters and other instruments signed by the queen, that she did not leave Edinburgh till Friday January 24th, nor arrive at Glasgow till Saturday 25th, when the two first letters, which must therefore be forgeries, were already written. The fact is now ascertained beyond dispute, that no such reliance can be placed on the records, as the dates were arbitrarily annexed by the writer when the deeds were written, and the queen's signature was afterwards obtained<sup>108</sup>. Whitaker, who re-

Chronolo-  
gical objec-  
tions to the  
letters pre-  
ceding the  
murder,

<sup>106</sup> Paris's first Confession; Appendix.

<sup>107</sup> Supra, chap. i.

<sup>108</sup> Goodall, i. 122. Robertson, ii. 371. Goodall might have been convinced, by his own extracts from the public records, that the dates, though generally, were not always correct, as the deeds were commonly written at Edinburgh, and dated by the writer (unless when fraudulently antedated) at the place where the queen was supposed to be. Thus, one signature is dated at Perth, June 20th, 1566, the day after the queen was delivered in Edinburgh castle, of which the

CHAP. IV. sorts to a similar objection, supposes, from a vague expression in Murray's Diary, that the four letters preceding the murder, were all from Glasgow.

only explanation is this, that it was written long afterwards, and fraudulently antedated by guess, to give it the preference over other deeds. Another signature is dated at Hermitage, Oct. 16th, when we know that the queen was taken ill at Jedburgh of the sickness that endangered her life. Two signatures are dated Nov. 15th, the one at Jedburgh, the other at Dunbar, when, according to Lethington's letter in Keith (353), the queen was at Wedderburn, and went to view Berwick that day. Another signature is dated at Edinburgh, Dec. 21st, and a third, Dec. 22d, during the solemnities of the baptism, when the queen was at Stirling. The deeds dated at Edinburgh on the 22d and 24th of January, were therefore antedated, and are inserted in the records, after other deeds in April and May. The deeds dated at Edinburgh, on the 22d and 24th of April, are in the same situation. Other deeds are dated at Stirling on the 22d and 23d, and on the 24th the queen was seized by Bothwell, and carried to Dunbar. To the improbability that Bothwell would permit her to stop at Edinburgh, and transact business there, Goodall, forgetting his own argument, that the seizure was compulsive, replies that it would be necessary on such a long journey to stop for refreshment, when the queen would have sufficient time to sign such deeds. Goodall's MSS. Above twenty signatures are dated at Dunbar from the 25th of April to the 4th of May; but two are dated at Edinburgh, April 27th, and a third, April 30, when she was certainly at Dunbar; one at Edinburgh, and one at Dunbar on the 4th of May, and one at Hailes on the 5th, when we know that the queen was in Edinburgh Castle. Goodall, who collates and comments on these dates in his MSS. had too much bigotry to discern their import.

On this gratuitous assumption, he divides the first letter into two parts, which he assigns to Friday and Saturday night : the second letter he assigns to Saturday or Sunday morning, and the third to Sunday evening ; and as the queen returned to Callender on Monday, he concludes that there was not sufficient time, or rather that it was absolutely impossible for the four letters to be written from Glasgow within the period prescribed <sup>109</sup>. But as Murray had no means, till Paris was apprehended, to ascertain the precise date of the letters, so the expression in the diary, “ and in this tyme “ wrayt her byble and utheris letters to Both- “ well,” means no more than such other letters as were written at Glasgow. There is no necessity for the supposition, that the four letters were all from Glasgow ; and we have proved already, from internal evidence, that the first was begun and finished on Friday, and the second written on Saturday morning ; and the third and fourth on the two nights that the queen slept at the Kirk of Field.

Another chronological objection to the letters, is removed, the contradiction between Murray’s Diary and the Examination of Paris. Bothwell, according to the former, “ took journay towards Liddesdale,” on Friday night, and “ returned towards Edinburgh,” on Wednesday 28th; but, according to the latter,

<sup>109</sup> Whitaker, ii. 242—95.

CHAP. Paris, on his arrival with the long letter from  
<sup>IV.</sup> Glasgow, found Bothwell still at Edinburgh, and  
was dispatched next day, after dinner, with letters  
to the queen. Tytler and Whitaker preferring the  
authority of the Diary, conclude that Mary never  
would have dispatched four letters to Bothwell at  
Edinburgh, when he was absent in Liddesdale<sup>110</sup> ;  
and as the two accounts are undoubtedly inconsis-  
tent, the argument would be invincible if this  
history of the journey were true. But the real  
object of this supposed journey is not the least  
important discovery which we have made. It was  
necessary, in a journal of Mary's transactions, to  
account for Bothwell's conduct, and absence from  
Edinburgh during their separation ; but the diary  
ascribed to Murray, from which Buchanan's De-  
tection was framed, is an unauthenticated paper,  
not produced at the conference, but apparently  
communicated to Cecil, like the bond of the nobi-  
lity by Buchanan's clerk. Bothwell's real, and only  
journey was to Whittingham in East Lothian, not  
to Liddesdale on the confines of England. The  
pretext employed, perhaps, at the time, to conceal  
his secret journey, by night, to Whittingham,  
was adopted in the journal, in order to conceal  
not only his, but Lethington's interview with  
Morton ; and it is observable that the same pre-  
text was used, of an expedition to Liddesdale,

<sup>110</sup> Whitaker, ii. 316. Tytler, i. 280.

when he left Edinburgh to intercept the queen on her return from Stirling. In a journal framed or revised by Morton and Lethington, for Buchanan's information, containing the facts and dates of his Detection,<sup>111</sup> Bothwell's departure was necessarily antedated, and his absence prolonged from Friday to Wednesday, so as to allow sufficient time for an expedition to Liddesdale, which Buchanan silently rejects as a false pretext. Paris, therefore, the queen's chamberlain, receiving her dispatches at midnight, and departing early on Saturday morning, found Bothwell on his arrival at Edinburgh in the afternoon; and returning on Sunday, after dinner, or before midday, would

<sup>111</sup> The Diary evidently contains the outlines of Buchanan's Detection, which was written "according to the instructions to him given by common conference of the lords of the privy council of Scotland; by him, only for his learning penned; but by them the matter ministered, the book overseen and allowed, and exhibited by them." Anderson, ii. 269. The Diary therefore, was the matter ministered, with such explanations as he received in his conferences with the lords. But it is observable, that Murray was not in Edinburgh at the time, and had no access to know of Lethington's and Bothwell's interview with Morton, to whom the passage in the Diary must be ascribed. Buchanan, in his History, had received no information of that secret interview, but even in his Detection, he rejected the journey to Liddesdale, as a pretext of which no sufficient explanation was given. And I conceive that the Diary was delivered to Cecil, like the bond of the nobility, by Reid, Buchanan's clerk, as a voucher for the Detection.

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rejoin his mistress at Glasgow that night. Beton, leaving Glasgow on Saturday, would find Bothwell still at Edinburgh, where, according to his message by Paris, he had spent the whole (of Saturday) night, in visiting and preparing the king's lodgings: and he departed of course on Sunday evening for Hailes or Seton on the road to Dunbar. These facts are antedated in the diary, " and Bothwell this 24th day (Friday) was found " werry tymus weseing the king's ludging and " the same nyght tuk journey towards Liddes- " dale," to conceal his real journey to Whittingham, in the vicinity of Dunbar; and this precise anticipation was necessary, because an interval of two days was insufficient for his supposed expedition to Hermitage Castle and his return to Edinburgh. His interview with Morton was therefore on Monday, his departure from Edinburgh was on Sunday evening, the day he visited the lodgings betimes: his return was on Tuesday, which the diary is careful to note; " the same day the earl " of Bothwell returned from Liddesdale towards " Edinburgh." His journey to secure Morton's support, had been previously concerted with the queen herself, who, in her first letter, is uncertain whether he would be in Edinburgh at the receipt of it; and in the second, requests him to " send " her *good news of his voyage*, on which the subsequent letters are both silent, as posterior in date. An expedition to Liddesdale had no visible object,

nor probable interest; but his success with Morton was important to the queen: and in this short explanation, we discover a regular train of events, that refutes every futile, chronological objection, and confirms the letters by the strongest attestation; their exact coincidence with those secret transactions which her opponents themselves were so desirous to conceal.

11. The second series of letters was preparatory <sup>Fifth letter.</sup> to the seizure of her person by Bothwell. The sixth letter in the English edition, but the fifth in the order of time, was written on Monday April 21st, when she went to Stirling, and was followed by Huntley, who endeavoured, as she apprehended, to dissuade her from the enterprise which he was charged to arrange. She writes therefore in the utmost agitation, “ Monsieur helas pourquoys “ est vostre fiance mise en personne si indigne, “ pour soupçonner ce qui est entierement vostre. “ J'enrage, vous m'avez promis.” “ Alas, my “ lord, why is your trust put in a person so un- “ worthy, to mistrust that which is wholly yours? “ I am woodde. You had promisit me;” and the translation proceeds; “ that you would resolve “ all, and that you would send me word every “ day quhat I should doe.” In this initial sentence, the difference of arrangement demonstrates that *Monsieur, helas!* is not derived from, but translated into, “ Alas, my lord,” to avoid the quaint idiom, My lord, alas. The same idiom in the pre-

CHAP. IV. ceding letter, *mon cœur helas*, was necessarily ren-  
dered, “ my heart, alas,” as less expressive in  
Scotch of her own heart; and the same phrase, so  
natural in French, and familiar to Mary, occurs in  
a letter to Elizabeth, inverted according to the  
structure of the sentence: “ Mais, helas ! Madam,  
“ ou ouistes vous jamais un prince blasme pour  
“ ecouter en personne,” &c. The context *pourquoy, est vostre fiance mise en personne*, is translated literally, “ why is your trust put in a person” instead of, in one; *si indigne, pour soupçonner ce*, “ so unwor-  
“ thy, (so as) to mistrust that,” in which the pec-  
uliar import of *pour*, to the effect of, in order to,  
expressed of old by the vulgar infinitive, *for to*, is  
lost in the translation; and, *ce qui est entièrement vostre*, is literally rendered “ that which is wholly  
“ yours.” *Enrage, vous m'aviez promis*, “ I am  
“ woodde, you had promisit me:” a French idiom  
which occurs in the first letter, “ he enrages when  
“ he hears of Lethington.” She was enraged at  
the confidence so unworthily placed in Huntley,  
implying a distrust of herself; and her suspicions  
of lady Bothwell’s brother were confirmed, as  
“ he preachit unto her that it was a foolishe en-  
“ terprise, and that with her honour she could  
“ never marry Bothwell, seing that being marryed  
“ he did carry her away, and that his own folkis  
“ would not suffer it, and that the lordis would  
“ unsay themselfis, and would deny that thay  
“ had sayd.” Huntley, just relieved from forfei-

ture, was careful not to incur another attainder, and desirous to be taken prisoner along with the queen, who, expecting perhaps an immediate rape, was vexed at Bothwell's negligence, in leaving the manner, time, and place to be concerted with his *false good brother*, and impatient at the new ceremonies which the latter required. She dispatched a messenger of her own to Bothwell, as she durst not entrust his brother with these letters, “ nor with the diligence;” the speedy dispatch of her answer which he had undertaken to send. Nothing can be more natural than Huntley’s difficulties, or the queen’s distrust, vexation, grief, or sickness; which last is represented as the anticipation of a sudden pain with which she was seized on her return from Stirling; as if it were impossible for the queen to be sick till then <sup>112</sup>. The fact itself, “ that the lords would unsay themselves,” was obvious to Huntley, who had witnessed how their consent to the bond had been obtained on Saturday: but the last circumstance which the supposed forgers would have introduced into the letters, was an allusion to the bond which they were so careful to conceal.

12. The sixth letter, intended apparently for <sup>sixth letter</sup> Huntley’s inspection, was written upon more mature deliberation next day. “ Du lieu et de l’heure ie m’en rapporte à vostre frere et à vous, ie le suivray et ne fauldray en rien de

<sup>112</sup> Whitaker, ii. 389.

CHAP. IV. "ma part. Il trouve beaucoup de difficultez."  
" Of the place and the time I remitte myself to  
" your brother and to you. I will folow him,  
" and will fayle in na thing of my paire: he  
" findeth many difficulties." In this initial sen-  
tence, *du lieu et de l'heure*, an inversion strictly  
conformable to the French idiom, is translated  
word for word, "of" (instead of, concerning, with  
respect to) "the place and the time;" *Je m'en*  
*rapporte a vostre frere et a vous*, almost verbatim, I  
remit myself (of the place and the time!) to your  
brother and to you, to which the French would  
have adhered, in adopting *je m'en remets*, as of the  
same import, had it been derived from the Scotch.  
*Je le suivray, for accompagner, aller avec*, "I will fol-  
" low him," *et ne fauldray en rien de ma parte*,  
" and will fayle in nathing of (instead of, on, or  
" for) my part," are French idioms literally trans-  
lated. *Il trouve beaucoup de difficultes*, "he findeth  
" money difficulties," and the translation pro-  
ceeds, "I think he doth advertise you thereof;  
" and quhat he desireth for the handling of him-  
" self;" a common English expression at the  
time, superinduced apparently at Westminster, as  
in a former letter, instead of some French idiom  
unintelligible in the translation; but the initial  
sentence no sooner fails than the French transla-  
tor mistakes the phrase, which he renders by guess,  
*pour bien jour son personage*. The queenproceeds to  
the handling of herself, according to the new ce-

remonies that occasioned such vexation last night. CHAP.  
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“ Me thinketh that your services, and the long  
 “ amitie, having the gude wyll of the lordes, do  
 “ well deserve a pardon, if above the duetie of a  
 “ subject, you advance yourself, not to constrain  
 “ me, but to assure yourself of such place nigh  
 “ unto me, that uther admonitions or forraine  
 “ persuasions may not let me from consenting to  
 “ that that you hope your service shall make you  
 “ one day to attayne.” The most plausible reasons  
 are thus suggested for demanding a pardon, if he  
 advanced to meet and intercept her on the road ;  
 and the same apology is assigned to Bothwell, in  
 her instructions to the bishop of Dumblain to excuse  
 her marriage to the French court. “ He  
 “ askit pardon for his bauldness to convey us to  
 “ ane of our awin houses quhairinto he was  
 “ drevēn by force, alsweill as constrainit be lufe ;  
 “ that from the conspiracies of his enemies he  
 “ could not find himself in suretie, without he  
 “ were assurit of our favour to indure without  
 “ alteration ; and uther assurance thairoff could  
 “ he not lippen in, without it wald pleis us to do  
 “ him that honour to take him to husband<sup>11</sup> ; ”  
 or, in the words of the letter, “ And to be short,  
 “ to make yourself sure of the lordes and free  
 “ to marry ; and that you are constrainit for  
 “ your surety, and to be abill to serve me faith-

<sup>11</sup> Anderson, i. 96.

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“ fully, to use an humble request, joinit to an im-  
“ portune action. And to be short, excuse your-  
“ self, and persuade them the most you can, that  
“ you are constrainit to make poursute agains  
“ your enemies: you shall say enough, if the matter  
“ or ground do like you, and many fayre words to  
“ Ledinton.” To excuse himself to the lords, and  
to give fair words to Lethington, are represented  
as indisputable proofs, that Lethington, in fabri-  
cating the letters, forgot the fact, that the lords  
had left Edinburgh on Sunday morning, and that  
he was then at Stirling himself with the queen <sup>114</sup>.  
But in these amazing demonstrations of forgery,  
Whitaker unfortunately forgot, that the fair  
words were to be given to Lethington, not before,  
but after the seizure, and the excuses were to be  
made, not to the lords who had left Edinburgh  
two days before, but to those who attended the  
queen at Stirling, in order to reconcile them to  
the deed. Lethington, like other courtiers, had  
concurred in the murder, to release the queen from  
an odious husband, not to exalt Bothwell to her  
throne and her bed; and these excuses she sug-  
gests as necessary to his former associates, for an  
enterprize to which he was instigated by her  
letters: “if you like not the deede, send me  
“ worde, and leave not the blame of all unto me.”  
She had left Edinburgh after the seizure was de-

<sup>114</sup> Whitaker, ii. 387—9.

vised by Lesly, but the time and place depending on circumstances, remained to be adjusted at Stirling: and from the new ceremonies, or difficulties which occurred, and which she endeavoured to obviate by the most plausible excuses, it is plain that she was still suspicious that he was averse from the deed.

13. The seventh begins, “Monsieur depuis ma <sup>Seventh</sup> <sub>letter.</sub> lettre escrive, vostre beau frere qui fust, est  
“venu à moi fort triste, et m'a demandé mon  
“conceil de ce qu'il feroit apres demain.” “My  
“Lord, since my letter written, your brother in  
“law that was, cam to me very sad, and hath  
“askeit me my counsale, quhat he should do  
“after to-morrow.” “His brother in law that  
“was,” previous to his divorce from Huntley's  
sister, is produced as an additional demonstration  
of forgery <sup>115</sup>; but the queen naturally anticipates  
a collusive divorce, which was already concerted,  
if not actually commenced <sup>116</sup>. As she had just  
referred the place and time, à *vostre frere et à vous*, to Bothwell and his brother, whom she had  
formerly termed his false gude brother, *vostre beau frere qui fut*, “your gude brother that was,” implies  
a secondary, sarcastical sneer at Huntley's late zeal,  
and sudden hesitation to connive at her seizure,  
on the eve of his sister's divorce. But the first

<sup>115</sup> Whitaker, ii. 418.

<sup>116</sup> By a blank summons, in all probability already *raised* or instituted.

CHAP. <sup>IV.</sup> clause affords the most indisputable proof that the initial sentence is a part of the French original, written by the queen. "Since my *letter written*," a literal translation of *depuis ma lettre ecrite*, is a French phrase peculiar to Mary, and occurs not only in the sonnets, but in a postscript which she had apparently dictated to a letter written with her own hand. "After this *our letter written* we are con-  
 "cernit to give you warning <sup>117</sup>." It occurs again in a postscript to her first letter to Elizabeth, on her arrival at Carlyle, "J'ay, *depuis ma lettre escrit*,  
 "resceu advertisement pour certain <sup>118</sup>." A third example still more apposite, affords a full explanation of the present letter. Having written to Elizabeth on the 29th of July 1568, she begins another letter without date, but evidently by the same conveyance, in the very words in question, "Madam, *depuis ma lettre escrit*, j'ay telle preuve  
 "de la doublet en quoi j'estays de la partiale fa-  
 "veur de vos ministres vers mes enemis <sup>119</sup>." Three examples of a colloquial French phrase, to be found in Mary's letters alone, are sufficient to authenticate the fourth, and the letter in which it appears, as her's. She had written to Bothwell on Huntley's arrival upon Monday night, and again on Tuesday April 22, referring the time and place à *votre frere et a vous*. When the last letter was written, but before it was dispatched, Huntley

<sup>117</sup> Keith, 299. <sup>118</sup> Anderson, iv, Part I. p. 50.

<sup>119</sup> Haynes, 469.

returned with some new difficulties, which required another confidential letter, and she writes by the same bearer, *depuis ma lettre escripte, vostre beau frere qui fust*, came very sad to demand her counsel what he should do, *apres demain*, on Thursday, the day of the seizure; a circumstance which ascertains the date of the two letters on Tuesday. His perplexity arose from the "many folkes here, and among otheris, the erle of Southerland, quho wald rather dye, considering the gude they haif sa lately receivit of her, than suffer her to be carryit away, they conducting her;" and he was apprehensive on the one hand, lest some trouble or conflict should happen, or on the other hand, that he might be called ungrateful in having betrayed the queen. These doubts, she said, should have been resolved beforehand; and she advised him "to avoid those persons that were most mistrusted," and entreated Bothwell to bring the greater force, as yesterday they had more than three hundred horse of his and of Livingston's. Sutherland, one of the Gordons whose attainder was just reversed, and Livingston, who resided at Callender in the vicinity of Stirling, were the noblemen most likely to escort the queen thither on Monday, with their whole retinue, on their return from parliament. But the objection is quite absurd and ridiculous, that these noblemen, whom she advised Huntley to avoid if possible, were not then at Stirling, because they were

CHAP. IV. <sup>~~</sup> not with her on Thursday, at Cramond bridge, when she was seized on her return to Edinburgh with a slender train <sup>120</sup>.

Eighth letter.

14. On her return to Linlithgow, on Wednesday April 24, the last letter was written to Bothwell, who had arrived at Hatton that same night. This letter, the third in the English edition, was erroneously supposed, in Murray's Diary, to have been written previously to the murder, on her former arrival at Linlithgow with the king from Glasgow. But it appears from the examination of Paris, that Bothwell had sent a secret message by Ormiston, to which the queen returned an answer by Paris, who accompanied Ormiston back to Hatton, that he might bring back to her Bothwell's reply. The letter itself, in which we discover a tone of tender solicitude and affected complaint, was evidently written on the eve of her seizure, the necessary preliminary to her intended marriage. " Monsieur si l' ennuy de vostre absence, celuy de vostre oubly, la crainte du danger, tant prouve d'un chacun a vostre tant aymee personne." " My Lord, if the displeasure of your absence, of your forgetfulness, the feir of danger so promisit by every one to your so lovit person, may gif me consolation, I leif it to you to judge." As this letter was not inserted in the French Detection, the initial sentence

<sup>120</sup> Whitaker, ii. 422-8.

alone is extant in French; which if derived from the Scotch, instead of *l'ennuy de vostre absence, celuy de vostre oubly*; would have adhered to the precise words of its supposed original; *si le deplaisir de vostre absence, de vostre oubly*, in conformity with, “the displeasure of your absence, of your forgetfulness,” in the Scotch. In translating from the French, the reverse would take place, because there was no word in Scotch equivalent to *ennui*; instead of which the translator adopted *displaisure*, from the first sentence of the fourth letter, in its French acceptation of vexation, chagrin, and adhering to the construction, *de vostre absence*, the displeasure of your absence, omitted *celui*, that of your forgetfulness, which it was difficult to retain, and at the same time to preserve the sense. For the same reason, *la crainte du danger tant prouve d'un chacun*, was rendered by a word adopted from the context, “so promised by every one,” as the fear of danger so proved of every one, was unintelligible in the translation. *La crainte du danger*, “the fear of danger,” *tant prouve a vostre tant aimée personne*, “so promisit to your so lovit person,” are French idioms almost literally transcribed; and the superior elegance and propriety of the whole sentence, “Monsieur si “*l'ennuy de vostre absence, celuy de vostre oubly*, “*la crainte du danger tant prouve d'un chacun* “*a vostre tant aimée personne*,” demonstrate sufficiently which is the original. In a strain of

CHAP. tender affectation she complains of his absence and  
IV the danger to which he was exposed ; of his forgetfulness, in neglecting to write till then ; of his promise broken, to meet, or intercept her, perhaps, that night ; of the coldness of his writing, not corresponding with the warmth of her affection ; and to testify how lowly she submits to his " commands," she sends in sign of homage by Paris, the ornament of the head, a lock of hair, inclosed in a ring the emblem of her heart, " in place quhairof, since she had ellis left it unto him," the ring was sent. The same conceit is employed in her letter to Elizabeth already quoted ; " Je vous envoyes mon cœur en bague, et ie vous ay apporte le vray et corps ensemble ;" and in return for a marriage contract, or ring from Bothwell, it is evident that Mary, then in mourning, sent a mourning ring, or " ane sepulture of hard stone, coulourit with black, sawen with tears and bones," which she endeavours to accommodate to the occasion by the most quaint conceits. " The stone I compare to my hart that as it is carvet in ane sure sepulture or harbor of your commandments, and above all of your name and memorie, that are thairin inclosit, *as is my hear in this ring*, never to come forth, quhilk death graunt unto you to ane trophee of victorie of my bones as the ring is fullit." She continues to descant on those strange conceits, which are necessarily obscure when translated into Scotch,

and in that language were utterly unintelligible to the French translator. Their extreme absurdity is no objection to the letter; for nothing can be more absurd than the stalk of liquorice, the device which she assumed on the death of her first husband, Francis II. or the motto embroidered on her cloth of state, or the sword cutting vines on the cushion sent to the duke of Norfolk; from which it appears that Mary was strongly addicted to all the mystical devices and conceits of the age<sup>121</sup>.

The other objections are of little force; that Objections to the last letter refuted.  
the ring, according to Paris's examination, was

<sup>121</sup> " Apres la mort du roy son mary (Francois) elle prit l'arbrisseau de reglisier, duquel la racine est douce et tout la reste hors de terre amere, avec ces mots, *dulce meum terra regit*, la terre cache ma douceur; par cette belle device, fort propre a une vraye veuve, la bonne reyne d'Ecosse monstroit que toutes ses joyes, tous ses plaisirs, et ses delices estoient enfermes dans le tombeau du roy son premier epoux." *Les eloges es les Vies des Reynes, &c.* avec explication de leur devices, &c. par F. Hilarion de Coste, ii. 527. edit. Paris, 1647. " In looking upon her cloth of state, I noted this sentence embroidered, *En ma fin est mon commencement*, which is a riddle I understand not." Haynes, 511. " One Borthwick brought the pillow (a token to Norfolk) which was wrought with the queen of Scots' own hand, with the arms of Scotland, and a hand with a sword in it, cutting vines, with this sentence, *wirescit vulnere virtus*; declaring thereby her courage, and willing the duke by such a watch sentence to take a good heart unto him." Murdin, 57. On any one of these devices, how she would have descended in a letter, may be easily conceived.

CHAP. IV. sent from Callendar on her former journey and return from Glasgow; and that the marriage (contract) which she received and promised to retain in her bosom till the marriage of their bodies were made in public, was found afterwards in Bothwell's possession <sup>122</sup>. The marriage contract will be examined in the sequel; but if Paris, at the distance of sixteen months, might forget the time when the ring was sent, or confound it with another, the supposed forgers of an examination intended to coincide with a ring and letter sent by Paris, never would have sent them by a different messenger and on a former expedition. The plain fact appears to be this. Having heard in general of Hob Ormiston's message from Bothwell to the queen at Linlithgow, her opponents assigned it, in Murray's diary, to her former journey from Glasgow, before the murder, and imagined that the last letter, containing certain tokens, was written at the same period, because it evidently came from the same place. "Januarie 28. The queen brought the king to Lynlythquow and thair remaynit all morn quhile she gat word of my lord Bothwell his returning towards Edynbrough be Hob. Ormistoun ane of the murtheraris; and on the 29th, she remayned all day in Lynlythquow with the king, and wraytt from thence to Bothwell." When interrogated concerning

<sup>122</sup> Whitaker, ii. 444—5.

the ring and letter, on the journey from Glasgow, Paris would have no recollection either of a message or letter at Linlithgow; but remembered a man from Bothwell who brought him a letter at Callender to be given to the queen, and an answer in which she inclosed a ring, to be delivered to the man. This messenger was not Ormiston, whom he knew and named in his first declaration: and at the distance of eighteen months, the interrogatories concerning the ring and letter on the road from Glasgow, would lead him to mistake, or to anticipate an incident on the road from Stirling. When interrogated concerning the journey from Stirling, his evidence is explicit; that the night before the seizure *Monsieur d'Ormeston* came and spoke to the queen very secretly, at Linlithgow, on which she wrote and sent a letter by Paris whom Ormiston conducted to Bothwell at Hatton. *Monsieur d'Ormiston* seems to be Hob Ormiston, as the other is termed *le lard d'Ormiston* in the first declaration <sup>123</sup>, and we

<sup>123</sup> “ *Le lard d'Ormiston et son frere Hob.*” Hob, according to the language of the age, was the laird of Ormiston’s *faider bruther*. Paris, who could make nothing of that expression, called him *son frere*; but had the declaration been forged, he would have been called *son oncle*. The reader unacquainted with a *Scotch proof*, must beware of the mistake, that no interrogatories were put, where none are specified in the examination.

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may be assured that the ring and letter sent from Linlithgow, on the journey from Stirling, were transferred by Paris to the journey from Glasgow, in consequence of such questions as made him anticipate and confound the fact with a former event.

Chrono-  
gical ob-  
jections re-  
moved.

15. The chronological objections to the second series of letters are also removed. The first was written at Stirling on Monday evening, the second and third on Tuesday morning, the fourth at Linlithgow on Wednesday night; and in point of fact the objection is fictitious, that Huntley who followed the queen to Stirling, had not time sufficient to return to Edinburgh with the first letter, on Monday night, and to rejoin her on Tuesday before the third was written<sup>124</sup>. The first letter implies the very reverse of his return to Edinburgh, as he pretended on his arrival at Stirling that Bothwell had "willit him to *write* to you that "that I should say, and quhan you should cum to "me, and that that you should do touchand him:" or in other words that he should arrange the manner, time and place of the seizure by letters. But the first letter was dispatched by a messenger of her own; "I send this bearer unto "you, for I dare not trust your brother with "these letters, nor with the diligence." The

<sup>124</sup> Whitaker, ii. 342-77. 421.

second was written for Huntley's inspection, and CHAP.  
dispatched by his messenger; as he advertised <sup>IV</sup> Bothwell, by her advice, of the difficulties that he found. The third, on Huntley's return to her presence with some new difficulties, is a more confidential letter by the same bearer; but his return to Edinburgh on Monday night, is a fiction for which the letters afford no foundation.

16. When the letters themselves are impartially examined, no doubts of their authenticity can remain. In vain does Whitaker contend that the French and British languages were originally the same; that they were still the same in the time of our Saxon ancestors, (because Augustine, in his legation to Britain, obtained interpreters from among the Franks;) and that many idioms in the two languages must continue the same<sup>125</sup>. The

General  
observa-  
tions on the  
letters.

<sup>125</sup> See Whitaker, ii. 399, who struggles hard to obviate the French idioms produced by Hume. In limiting the idioms quoted by Hume to the similarity of a single word, it is obvious that he was ignorant of a plain proposition, that the idioms of a language may reside either in the peculiar use and acceptation, or in the peculiar collocation, arrangement, or construction, of a word, or of a phrase. To *make fault*, *make breck*, *make gude watch*, *make me advertisement*, *make it seem that I believe*, are evidently translated from the French phrases *faire des faults*, *faire breche*, *faire bonne garde*, *faire m'avertir*, *faire semblant de la croire*; in which the construction of the phrase, and the use or acceptation of *faire* are peculiar to the tongue. *Have you not desire to laugh, the place will hold untill the deash*, are

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Complaint of Scotland, and Bellenden's translation of Hector Boethius, the first prose compositions in Scotch, contain occasionally some French words, but the idioms of the language are genuine Saxon, and in Pitscottie, Knox, Buchanan, Crawford's MS. and the state papers and letters of the period, no gallicisms were afterwards introduced. Every impartial reader who examines, and compares the letters with other contemporary productions, will determine with-

derived also from French constructions ; “ *n'avez vous pas envie de rire?* ” “ *la place tiendra jusque à la mort;* ” in the first of which the article is omitted, in the other inserted, in strict conformity with the French, and in direct opposition to the Scottish idiom. *He may not come forth of the house this long time;* *put order to it;* “ *il ne peut pas sortir du logis de long tems;* ” *mettes ordre à cela;* in which Whitaker searches in the word, for that idiom which consists in the construction and acceptation of the phrases. *Discharge your heart; this is my first journey;* *deschargez votre cœur, c'est ma première journee;* the first of which I have never found in any letters of the period, and the scurilous assertion that journey, though unknown to Hume, who talked nothing but French in his sleep, still signifies, when uncompounded, a day's work in Scotland, is an assertion which Tytler himself was afraid to hazard. These writers forget the question, that it is not whether a few French words, as *moyen, faschions,* have crept into Scotch; but whether a professed translation, word for word from the original French, contains a literal transcript of such French idioms as a *journey* for a day's work, and a *voyage* for a journey. Whitaker, ii. 398. 400. Tytler, i. 226. n.

out a comment, whether they are not replete throughout with those French phrases, words and idioms which are unavoidable, and can only occur in a literal translation from the French. Every impartial reader of taste and judgment will also determine whether they are not the genuine productions of a female, and that female indisputably the queen. Amidst the numerous and daily productions of romance, no great discernment, or literary acumen would be necessary to pronounce on each novel that occurs, whether the author were a male, or some female letter-writer, whom the most accomplished scholar would in vain attempt to imitate in her incessant volubility and easy chit-chat; in the habitual amplification of the most trivial objects; and in the quick and incoherent transitions of female sentiment, passions, prejudices, intrigues and pursuits. Nothing can be more natural or characteristical, than the flippant loquacity of the letters to Bothwell; the exuberance of sentiment, and affected gallantry; the sudden vicissitudes of love, grief, indignation, fear, dissimulation, jealousy, and hatred of Darnley, intermixed with compunction at his approaching fate. The first letter in particular, affords a curious spectacle of the secret workings of the female heart. Nothing is explained of which Bothwell was informed; nothing omitted, of which he required information; and the murder is darkly, yet in-

CHAR. IV. — disputably intimated, as a deed to which Mary was impelled by her lover, but on which she could not venture to discourse, even with herself. But the letters subsequent to the murder contain no mention of her late husband, to whom indeed the most remote allusion would be carefully avoided, as a subject of conscious and mutual guilt. As the letters were written in a cultivated, and refined language, in which she excelled, the elegance as well as idioms of the original breaks forth occasionally through the rude medium of a homely translation; and every impartial reader, who compares them with her subsequent letters to Elizabeth and others, will determine, from the same loose, and voluble declamation, unrestrained invective, and passionate complaint, whether they are not the genuine, indisputable productions of the Scottish queen.

Disappear-  
ance of the  
letters.

17. The very disappearance of the originals, demonstrates that they were genuine. During the administration of the four regents, they were carefully preserved. From Murray they passed successively to Lennox and Morton, on whose execution they were conveyed secretly to Ruthven, created earl of Gowrie, one of the confederates, from whom Elizabeth's solicitude to obtain the custody of the casket, attests her conviction that the letters were authentic. It appears, however, that they were retained by Gowrie for the

vindication of the confederates. As the young king was informed that they were then (1582) in his hands, as Mary was solicitous to get them delivered up or destroyed, and as the duke of Lennox his favourite, who was entirely in her interest, had applied to obtain them<sup>126</sup>, their disappearance on the attainder and execution of Gowrie (1584) must be ascribed to the desire of her son to suppress those documents of his mother's guilt, which, if spurious, would neither have been preserved by the four regents, nor destroyed by James. The records of judiciary; the acts or proceedings of the conferences at Westminster; and the books of the privy council of England at the period when the letters were examined<sup>127</sup>, must have disappeared from the same cause; and the evidence is reduced to such of the first loose

<sup>126</sup> Robertson, ii. 376. "For the recovery of the letters in the coffer, come to the hands of the earl of Gowrie, I have lately moved him earnestly therein, letting him know the purpose of the Scottish queen, both giving out that the letters are counterfeited by her rebels, and also seeking therein to have them delivered to her or defaced: and that the means which she will make in this behalf, shall be so great and effectual, as these writings cannot be kept in that realm without dangerous offence of him that hath the custody thereof, neither shall he that is once known to have them be suffered to hold them in his hands." Id.

<sup>127</sup> First Report of the committee of the house of commons on the state of the public records, p. 75.

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IV.

draughts of the minutes as Cecil retained or communicated to Sir Robert Cotton, before the accession. But the loss of these volumes, which no simplicity can regard as merely accidental, confirms our conclusion that the letters were intentionally destroyed by James, in order to efface the proofs, and to obliterate the memory of his mother's guilt.

## CHAPTER V.

*The Sonnets.*

1. FROM the letters we proceed to the sonnets, CHAP.  
V. which were published entire in the original Mary's  
poetry. French, with a literal translation in Scottish prose. As the translation is destitute of numbers, and adheres to the original, line for line, it is now reluctantly admitted, by late apologists, that the sonnets were first written in French. Their authenticity, however, is still disputed, on the authority of Brantome, that they were too gross and unpolished to be the composition of Mary; and the forgery is ascribed to Buchanan, because no one in Scotland was capable of writing French verse but himself or the queen. The sonnets, it seems then, were originally forged in French by Buchanan, who, unable, however, to give a French version of the letters, translated them into Latin for the supposed Camus to convert into French. That the sonnets were first written in French might have

<sup>1</sup> Tytler, i. 254. Whitaker, i. 501—28. iii. 59. 71. Buchanan observes in his history, that the sonnets are not inelegant. *Carmen Gallicum non ineleganter factum*; a sure proof, says Whitaker, that he forged them himself. *Ibid.* Stuart's Hist. i. 396.

CHAP. taught those disputants to suspect that the letters  
 V. were originally composed in the same language.  
 But the grossness of the sonnets is a prevailing argument with those who either are ignorant of the grossness of the age, or are persuaded with Goodall, that Mary never once betrayed a single foible from the cradle to the grave<sup>2</sup>. That her verses were coarse and unpolished may be deduced from the evidence of Brantome himself, who informs us, "Elle se mesloit d'estre poete et composer  
 " des vers, dont j'en ay veu aucun des beaux  
 " et tres bien faits, et nullement resemblans a  
 " ceux qu'on lui a mis a sus avoir fait sur l'amour  
 " du comte de Bothveil; ils sont trop grossiers et  
 " mal polis pour etre sortis d'elle. Mr. de Ron-  
 " sard estoit bien de mon opinion en cela, ainsi  
 " que nous discourions un jour, et que nous  
 " lisions ensamble. Elle composit bien de plus  
 " beaux, et de plus gentils, et promptement, comme je  
 " l'ay veue souvent, comme elle se retroit a son  
 " cabinet, et sortoit d'usitat, pour nous en montrer,  
 " a aucun honnesté gens que nous estions  
 Brantome describes the futile poetry of Charles IX. nearly in the same terms of adulation: "Il voulut  
 " scavoir la poesie et se mesloit d'en escrire, et  
 " forte gentiment—qu'il faisoit forte gentiment  
 " prestement et in promtu, sans songer, comme

<sup>2</sup> *Gutta pallia non fecellit una.* Goodall Pref. 28. Hailes' Remarks on the History of Scotland, 181.

<sup>3</sup> Brantome, ix. 112. Jebb, ii. 478.

“ j'en ay veu plusiers qu'il daignoit bien quelque CHAP.  
 “ fois monstrer, en sortant de son cabinet<sup>4</sup>.” From  
 such an extemporary mode of composition, no-  
 thing better was to be expected than the conver-  
 sation verses which lord Hailes has so well ex-  
 plained ; and we may be assured, that Mary's  
 extemporary verses were little superior to the  
 fashionable prose in rhyme of Charles IX. which  
 Brantome has praised in the same terms, and  
 which Ronsard was not ashamed to extol to  
 heaven, and even to prefer to his own. The only  
 poems of Mary's extant, are the verses preserved  
 by Brantome on the death of Francis II.; the son-  
 nets to Bothwell in Buchanan's Detection ; a son-  
 net to Elizabeth, in the Cotton library, in French  
 and Italian ; and a French sonnet, in the State  
 Paper office, to her son the prince<sup>5</sup>. Of these the  
 last has not yet been procured ; and if the verses  
 on Francis II., and the sonnet to Elizabeth, are  
 superior in versification to the sonnets to Both-  
 well, let it be remembered that the first is a short  
 poem, written with care, in imitation, if not under  
 the inspection of Ronsard, for the French court ;

<sup>4</sup> Brantome, iv. 31.

<sup>5</sup> See Appendix, No. XXII. Among her poems I do not include Sir Thomas Chaloner's Latin translation of some French verses sent with a ring to Elizabeth, (De Rep. Angl. Instaurar, 353.) nor Blackwood's Latin translation of a French poem made during her imprisonment. Blackwood Poemata.

CHAP. <sup>V.</sup> that the second was written with the same care for the court of Elizabeth; but the last is a long; and hasty effusion in Bothwell's absence, to whose ear alone it is addressed, and whose rude taste, such conversation-verse as she retired to her cabinet to produce *impromptu*, like Charles IX. *ans songer*, were sufficient to please. Her taste was, formed on the pedantick inflation, and the quaint and obscure conceits of Ronsard whom she patronised<sup>6</sup>, not on the natural ease of Marot, and her verses on her first husband may vie with her *hys ballet*, or sonnets to Bothwell, for poverty of sentiment, and the most unintelligible bombast. The love ballad is a regular series of connected sonnets on the same subject, written apparently at the same time; and the four first lines,

O Dieux ayez de moy compassion,  
Et m'enseignez quelle preuve certain,  
Jé puis donner qui ne luy semble vain  
De mon amour et ferme affection;

differ only in the greater length, and of course in the greater mediocrity of the verse, from her first stanza on Francis II.

<sup>6</sup> Vie de Ronsard. "Mais sur tout elle aimoit la poesie, et sur tout M. de Bellay et M. de Maison-fleur." Brantome, ix. 112. The two last poets I have not met with, but I doubt not that some conceits in her letters and sonnets may be traced to their works, as to those of Ronsard.

En mon triste et doux chant,  
D'un ton fort lamentable,  
Je jette un œil tranchant,  
De perte incomparable;  
Et en soupirs cuisans  
Passe mon meilleure ans.

An address to the gods, to teach her what certain proofs of affection she might give Bothwell, is certainly not inferior in sentiment to the sad and sweet song, “d'un ton fort lamentable,” in which she throws, “un œil tranchant, de perte incomparable.” The feeble termination of the double rhymes is much the same in both, and the succeeding verses of the sonnets,

Las! n'est il pas ia en possession,  
Du corps, du cœur qui ne refuse paine,  
Ny deshoneur, en la vie uncertaine,  
Offense de parentz, ne pire affliction?

may be compared with the second stanza of the elegy, if it can deserve that name.

Fut il un tel malheur,  
De dure destinee,  
Ny si triste douleur,  
De Dame fortunee,  
Que mon cœur et mon œil,  
Voit en biere et cercueil.

CHAP. V. If " possession du corps due cœur, qui ne refuse " "deshonneur," be considered as too gross and indelicate for Mary, by the same rule, " tel malheur " "de dure destinee, triste douleur de dame for- " "tunee," must be rejected as too insipid and absurd, for her heart and eye to perceive on the bier and in the coffin; nor is *pire affliction*, in the sonnets, worse than a subsequent stanza in the elegy:

Car mon pis et mon mieux  
Sont les plus desert lieux.

Such stanza to be converted into poetry, must be manufactured anew in the translation, but the poet's utmost art is insufficient to extract any meaning from the following verses.

Si par fois vers les cieux,  
Viens à dresser ma veue,  
La doux trait de ses yeux,  
Je voy en une nue;  
Soudain le vois en l'eau,  
Comme dans un tombeau.

We are told that every palace in France was surrounded with water, in which Mary, who saw the sweet traits of her husband's eyes in the clouds, might perceive him again (by reflection) as if in his tomb; or, as altered by the translator;

? Lord Elibank's Letter on Lord Hailes' Remarks.

His visionary form I see,  
Pictured in orient clouds to me;  
Sudden it flies and he appears,  
*Drowned in a watry tomb of tears*

And I hardly know which is the least intelligible.  
The concluding stanza is in the same timid, insipid strain.

Mets chacon icy fin,  
A si triste complainte,  
Dont sera le refrin,  
Amour vray et non feint,  
Pour la separation  
N'aura diminution.

And her sonnet to Elizabeth, in which her anxiety <sup>to see her</sup> to see her sister at once delights and torments her, <sup>sonnet to Elizabeth.</sup> concludes with a comparison of a ship forced back from its port by a sudden storm.

Ainsi je suis en roubay et en craincte,  
Non pas de vous, mais quante fois a tort  
Fortune romps voile et cordage double.

From these specimens of Mary's verses, *si bon et gentil*, the poetry which Brantome commends, must be classed with such courtly strains as Pope's

• Tytler, ii. 419.

CHAP. V. song by a person of quality was written to explode.

First sonnet. 2. But the sonnets contain internal evidence, that they were neither written, nor perhaps understood by her opponents at the time. In the first sonnet, she enumerates the proofs of her affection to Bothwell, that he was already in possession, *du corps du cœur*, (the supposed grossness of which disappears in the alliterative idiom) "qui ne refuse " paine,"

Offence de parentz, né pire affliction:

Pour luy tous mes amis i' estime moins que rien,

Et de mes ennemis ie veux espérer bien.

J'ay hazardé pour luy et nom et conscience:

Je veux pour luy au monde renoncer;

Je veux mourir pour luy avancer.

Que reste il plus pour prouver ma constance?

Lord Bothwell, i' n'aurai qu' un autre.

Her relations (*parentz*) in *France*, whose displeasure she incurred, are distinguished from the friends whom she slighted in *Scotland*; and her enemies from whom she was willing to hope the best, are the *murderers* of *Rizzio* to whom she had been reconciled by Bothwell. Had the sonnets, however, been forged, the mention of friends whom she slighted, would have contained a more pointed application to *Murray*; and *Morton*, who seized the casket, and through whose hands the forgery must have passed, never would have been

represented, with his associates, as enemies to whom she was lately reconciled, and on whose assistance she was disposed to rely. If the next verse, *j'ay hazardé pour lui et nom et conscience*, were applicable either to the adultery or to the murder, the same allusion which Mary would have avoided, the forgers would have been careful to render explicit. But the same idea recurs in the ninth sonnet:

Pour luy i'ay hazardé grandeur et conscience,  
 Pour luy tous mes parentz i'ay quité et amis;  
 Et tous autres respects son apart mis;

and is well explained by lord Hailes, as a feeling allusion to the offence given to her relations, *offense de parentz, et pire affliction*, and to the danger of her own conscience, and of her estimation abroad, from her marriage with a protestant, without the consent or knowledge of the house of Lorrain<sup>9</sup>. That her conscience was endangered by a marriage with a protestant, was a circumstance of which the supposed forgers had no conception, and is explained only in her instructions to the bishop of Dumblain, to excuse her marriage to the French court; that Bothwell, having obtained her promise, would not wait, *as was maist reasonable*, for the consent of her friends, but concluded the marriage in the protestant form, “not weying quhat

<sup>9</sup> Hajles's Remarks, 207.

CHAP. V. ~~When the sonnets were written.~~ “ was convenient for us that hes bene norised in  
“ our awin religion, and never intends to leif the  
“ samen for him or any man upon earth <sup>10</sup>.”

3. But the most disputed, if not the most difficult point to ascertain, is to what period of her connexion with Bothwell the sonnets must be assigned. Her adversaries, on the supposition of their authenticity, were necessarily ignorant of their precise date; and in the note prefixed to the sonnets, it is supposed that they were written to Bothwell “ befoir hir mariage with him, and (as “ it is sayd) quhile hir husband lyvit but certainly “ befoir his divorce from his wife.” Lord Hailes proves that they were written after Huntley’s restitution in parliament, April 19th, but he has transferred them arbitrarily to the interval between her seizure and marriage with Bothwell, in which Stuart concurs. And Whitaker, to confound all dates, concludes that they can refer only to the separation at Borthwick, when she remained behind, while Bothwell passed to Melrose before his flight to Dunbar<sup>11</sup>. As the sonnets were confessedly written in Bothwell’s absence, it is necessary first to determine on what

<sup>10</sup> Hailes’s Remarks, 208. Anderson, i. 99. To this the usual answer is returned, that the author of the sonnets consulted the instructions; (Stuart, i. 396.) but the allusion is unintelligible in the sonnets, and is discovered only in the subsequent instructions.

<sup>11</sup> Hailes’s Remarks, 203. Stuart’s Hist. i. 395. n. Whitaker, iii. 57. 148. Robertson of Dalmeny, Appendix, 35.

occasions they were separated before their marriage. She was attended without intermission by Bothwell, from the birth of her son till her expedition to Jedburgh, and from her recovery after her visit to the Hermitage, till her journey to Glasgow; when the sonnets were certainly not composed. From the murder of her husband, they were never separated till her journey to Stirling, and the occasional coincidence of the sonnets with the letters is alone sufficient to ascertain their date. The second sonnet begins,

Entre ses mains et en son plein pouvoir,  
Je metz mon filz, mon honneur et ma vie,  
Mon pais, mes subjects, mon ame assubjectie,  
Est tout à luy, et n'ay autre voulloir  
Pour mon object.

Second  
sonnet.

In "his handis and in his full power, I put my "sonne, my honour, and my lyif," alludes particularly to an historical fact preserved by Buchanan, to which, though unknown when he wrote his Detection, he had peculiar access when his history was composed; that one object of the journey to Stirling, was to obtain possession, and to transfer the custody of the prince to Bothwell, which was prevented by the vigilant precaution of Mar<sup>12</sup>. But the recurrence of the same thought

<sup>12</sup> Buchanan's Hist. lib. xviii. p. 356. From his residence at Stirling, in the Mar family, after the Detection was written, he had access to this, and to many other circumstances in-

CHAP. and expression was unavoidable in a letter written  
 on the same subject, at the same time, when her  
 mind was occupied and filled with the sonnets.  
*Mon pais, mes subjects, mon ame, assubjectie, est tout a  
 luy*, is translated, “ my contry, my subjects, my  
 “ soule al subdewit to him and has none uther will;  
 “ for my scope;” and in the last letter, “ since I  
 “ am ellis so far made yours, that that quhilk  
 “ pleasis you is acceptable to me, and *my thoughts*  
 “ *are so willingly subduit unto yours*,” is a repetition  
 of the same sentiment, *mon ame, (mes pensees) as-  
 subjecties a vous*, and an obvious translation of the  
 same phrase. From the proofs of her attach-  
 ment, she passes by a natural translation to Both-  
 well’s wife, whose false tears and feigned affection,  
 of which there was no symptom at the marriage,  
 she contrasts with her own, in the third sonnet,

Third  
sonnet.

Elle pour son honneur vous doibt obeysance  
 Moy vous obeysant j'en puis recevoir blasme,  
 N'estant, à mon regret, comme elle vostre femme,

The divorce of course was not then obtained, and as lady Bothwell was naturally the object of jealous apprehension, she compares the interested

asserted in his History, concerning the queen. In one sense her marriage alone put her son and subjects, in Bothwell’s power; but the third sonnet, when written at Stirling, states with precision, a fact unknown at Westminster; “ In his hands I place (*Je metz*) my son,” as she meant and expected to do before she left that town.

obedience of a wife, with her own disinterested, CHAP.  
submissive attachment, so injurious to herself. V.  
~~~

4. In the fourth sonnet,

Par vous, mon coeur ! et par vostre alliance,
Elle a remis sa maison en honneur;
Elle a jouy par vous la grandeur,
Dont tous les siens n'ayent nul asseurance:
De vous mon bien ! elle a eu la constance (l'accointance)
Et n'a perdu sinon la jouysance
D'un fascheux sot qu'elle aymoit cherement.

Fourth
sonnet.

Huntley, notwithstanding his father's attainder, had been appointed chancellor, instead of Morton, on the murder of Rizio, by the interest of Bothwell, whose marriage with his sister was the first step towards his promotion. But the second line, "Elle a remis sa maison en honneur," refers directly to the reversal of the attainder, and the restitution of his family in parliament, on Saturday April 19th, to which the queen in a sonnet written three days afterwards, naturally alludes. From the *fascheux sot qu'elle aymoit cherement*, it appears that lady Bothwell's marriage was a political, and perhaps a compulsive alliance, to restore her family; and the fifth sonnet describes her cold returns to Bothwell's affection, both before and after their marriage; when,

De vostre mort ie ne vis la peaur,
Que meritoit tel mary et seigneur.

CHAP. V. The danger of his death, to which his *wife* was indifferent, can allude to nothing else than his wound in Liddesdale, the only occasion on which his life was endangered, and when the queen's superior attachment was so signally displayed. The sixth sonnet describes lady Bothwell's artifices, by letters filled with a fictitious passion, and *tout fardez de scavoir*¹³ to retain her husband, whose worth she then began to discover, and Mary returns in the seventh, to her own affection, to which she is afraid that the recent professions of her rival are preferred,

Sixth
sonnet.

*Vous la croyer las! trop is l'appercoy,
Et vous doutes de ma ferme constance,
O mon seul bien! et mon seul esperance,
Et ne vous puis asseurer de ma foy.*

Mon seul bien, to mark the date, is repeated in her last letter, “*my onley wealth!* resave thairfore “*in as gude part;*” and lord Hailes's remark is

¹³ From a beautiful copy of the *Legenda Aurea* edit. 1470, in which her name is frequently inscribed, lady Jean Gordon appears to have been a woman of some learning. She was married to Bothwell at twenty, and in 1573 was again married to Alexander earl of Sutherland, whom she survived, and was afterwards married to Ogilvie of Boyne. She died in 1629, at the age of eighty-four, and was a woman of great prudence, retaining her jointure out of Bothwell's estate, till her death, and managing the Sutherland estate, during the minority of her son. Sir Robert Gordon, of Gordonstone's Hist. of the Sutherland family.

undoubtedly just, that Bothwell's jealous suspicions of her constant, and sincere attachment, are unaccountable in a forger, desirous to represent their connexion, in all its circumstances, as rank and flagitious in the extreme¹⁴. Such apprehensions were natural to Mary, who was conscious that Bothwell, *having two strings to his bow*, might well despise an attachment so lightly transferred from Darnley, or suspect that it might be transferred to another, with the same facility as from Darnley to himself. From the same apprehension, she is careful, in her letters to Norfolk, to assure him of her faithfulness; that she would be true and obedient as long as she lived¹⁵. The remainder of the sonnet,

*Vous défiantez a trop grand tort de moy;
 Vous ignorez l'amour que ie vous porte,
 Vous soupçonnez qu'autre amour me transporte,
 Vous estimez mes parolles de vent,
 Vous depeignez de cire mon las cœur,
 Vous me pensez femme sans jugement,
 Et tout cela augmente mon ardeur;*

coincides with her first letter from Stirling on Huntley's arrival. “ Monsieur, helas ! pourquoy “ est vostre fiance mise en personne si indigne, pour “ soupçonner ce qui est entièrement vostre. J'enrage.”

¹⁴ Hailes's Remarks, 216.

¹⁵ Hardwicke's State Papers, i. 193.

CHAP. V. 5. As these circumstances augment her passion,
the eighth sonnet describes its encrease,

Eighth
sonnet.

Mon amour croist, et plus en plus croistra,
Tant que ie vivray, et tiendray à grandheur,
Tant seulement d'avoir part en ce coeur,
Vers qui en fin mon amour paroistra
Si tres à clair que jamais n'en doustra.

D'avoir part en ce cœur, means not that she was content to divide his affection with her rival¹⁶, but as the context intimates, that she wanted only a share, or place, in that heart to convince him so clearly of her love, as to efface all his doubts; or in other words to obtain the whole in return. For him therefore she would struggle with misfortune; for him search for grandeur; for him expect good fortune;

Pour luy i' attendz toute bonne fortune.
Pour luy ie veux garder sante et vie.
Pour luy toute vertu de suyvre i'ay envie,
Et sans changer me trouvera tout une.

The same train of ideas occurs in her last letter, in which she enumerates, among the causes of her uneasiness, “ the unhap that my cruel lot and con- “ tinuall misadventure hes hitherto promisit me, “ following the misfortunes and feares as weill of “ lait as of a lang tyme by past;” and pursuing

the same train of ideas, *pour lui j'attendz toute bonne fortune*, she anticipates in the sonnets that good fortune for the future which she had not hitherto enjoyed. “Quhilk is the finall order
 “that you promisit to take for the suertie of the
 “only uphold of my lyfe. For quhilk alone I
 “will preserve the same;” *pour lui je veux garder sante et vie*: “and without the quhilk I desire not
 “but suddain death.” “Though my merits wer
 “mekle greater then of the maist profite, that
 “ever was, and sic as I desire to be, and sall take
 “payne in conditions to imitate, for to be bestowit
 “worthily under your regiment:” *Pour lui toute vertu de suyvre j'ay envie*. “That for ever dedi-
 “cates unto you hir hart hir bodie, without any
 “change—of quhilk you may hold you assurit
 “that unto the deith sall na wayes be eschangit.”
Et sans changer me trouvera tout une.

6. The ninth sonnet proceeds in the same strain. Ninth sonnet.

Pour Iuy aussi le jette mainte larme,
 Premier quand il se fist de ce corps possesseur
 Disquel alors il n'avoit pas le cœur:
 Puis me donna un autre dur alarme,
 Quand il versa de son sang mainte dragme,
 Dont de grief il me vint lesser doleur,
 Qui m'en pensa oster la vie, et frayeur
 De perdre las! le seul rempar qui m'arme.

These celebrated lines are, each of them, supposed to be pregnant with some latent fact, never

CHAP.

V.

—

known before. From the translation of the three first verses: "For him also I poured out many tears, First when he made himself possessor of this body, Of the quhilk then he had not the heart;" Whitaker concludes that the forgers have inadvertently betrayed an historical fact; that her passion for Bothwell commenced after the adulterous act, as he had not then her heart, and that the adultery (after her husband's death) was perpetrated by the commission of an actual rape on her person, when conveyed to Dunbar. The next line, "quhen he bled of his blude great quantitie," discloses another scene from Clariissa; and Mary, who had been first ravished and then won, was, it seems, so indignant, and her grief so outrageous at the violence, that Bothwell actually stabbed himself from commiseration or despair. The succeeding lines discover an additional fact, that Mary during her confinement had almost died of grief; and thus, these unheard of scenes in historical romance; the rape and the queen's indignation and anguish, the wound inflicted by Bothwell on himself, the grief and sickness that endangered her life, and their mutual reconvalescence before their return to Edinburgh, though unknown to historians, were all realized during the nine days that they remained at Dunbar ¹⁷.

¹⁷ Whitaker, iii. 78. 83. 105. Robertson of Dalmeny's Hist. of Mary, Appendix, 36. 48.

Unfortunately for these new discoveries, the ^{CHAP.} tears that she shed were for Bothwell himself; ^{pour lui aussi} and it was his blood when wounded, that excited such grief and terror as to endanger her life. According to the interpretation given by Whitaker, the two first lines, even on the supposition of a rape, must be referred to the queen's lodging in the *Chekker-house*, September 24, 1566, when she was first betrayed, *at ipsa dicebat*, into Bothwell's arms; “nam per hortum in cubi-
“culum Reginæ introductus eam invitam yi com-
“pressit, sed quam invitam tempus veritatis pa-
“rens ostendit¹⁸.” On consulting lord Hailes's Remarks, I find his interpretation, which is certainly just, to coincide with mine; and as Whitaker has disingenuously concealed the explanation, I must request those who may honour me with a confutation, to state at least such facts or arguments, as they pretend to refute¹⁹. In the former sonnets Mary had described lady Bothwell not only as destitute of any real attachment to her husband, whom, when afraid to lose him, she affected to esteem, but as actually attached, at her marriage, to some *faiseur sot*. Bothwell's marriage was celebrated with much pomp in the presence of the queen, who *made the banquet*, on the 22d of February, seventeen days before the murder.

¹⁸ Buchanan's Detection. Murray's Diary. Appendix.

¹⁹ Hailes's Remarks, 211. Whitaker, 92.

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V.
—

of Rizio, when her coldness, if not her aversion to Darnley, had already commenced ²⁰. In conformity therefore with the former sonnets, she declares in the present; “ For him also I shed many a tear, First when he made himself possessor, *de ce corps*; of that body; Of which then he had not the heart;” just as *ce cœur*, in the preceding sonnet, means *that* heart, not *this*; and the mistake consists in the erroneous translation of *ce corps*, *this* body instead of *that*. Having shed many tears at Bothwell’s marriage, when first he made himself master of that body of which he had not then the heart, she proceeds in the same train of incidents, to a subsequent event. Then he gave me another “ hard charge,” *un autre dure alarme*, and as she had already reproached lady Bothwell, in the fifth sonnet, with indifference to his death, she now describes her own grief and consternation in the same occasion, *quand il versa de son sang matrice d’agme*; not Whitaker’s visions of the new Clarissa, ravished by Lovelace, who stabbed himself in despair, but the historical fact, of Bothwell wounded by a ruffian in Liddesdale, “ when he bled of his blude great quanttie,” and when Mary flew to the Hermitage with such anxiety to his relief. In the three next lines accordingly, she describes, as the consequence of her grief and terror, *qui m’en pensa oster la vie*,

her severe sickness at Jedburgh, which had almost deprived her of life: and in these historical facts, we discover a full and rational explanation of her verses, which Whitaker has suppressed, in order to substitute an historical romance of his own. As the two first lines relate to tears shed for Bothwell before he was wounded, the application of them to lady Bothwell, to whose indifference on that occasion she had already alluded, coincides exactly with the preceding sonnets; and the mistake arises from the double signification of *ce corps*; translated erroneously *this* body instead of *that*. But if Bothwell had obtained possession of Mary's person, before he acquired her heart, such a constructive rape, as it preceded his wounds in Liddesdale, and her dangerous illness on that event, must be referred to their first criminal intercourse at the Chequer-house, when lady Reres betrayed her, as she said, into his arms.

The remainder of the sonnet continues the train of circumstances, from her sickness downwards to their proposed alliance.

Pour luy depuis i'ay mesprisé l'honneur,
 Ce qui nous peult seul pourvoir de bonheur;
 Pour luy i'ay hazardé grandeur et conscience;
 Pour luy tous mes parentz i'ay quité, et amis;
 Et tous autres respectz sont apart mis:
 Brief de vous seul ie cerche l'alliance.

These circumstances are all *depuis*, since her illness,

CHAP. when Bothwell was wounded, and to Whitaker's
 V. astonishment, they are subsequent even to the pretended rape.

Tenth sonnet.

7. The tenth sonnet begins

De vous ie dis, *seul soustien de ma vie*?
 Tant seulement ie cherche l'alliance;
 Et si ose de moy tant presumer,
 De vous gaigner maugré tout l'envie.

The first line is translated in Scotch, “ Of you I say, *only upholder of my lyfe* ;” and in the first letter the same phrase occurs, in a passage already quoted; and again, “ with as greit affectioun as I pray God, Othe only uphold of my lyfe! (*seul soutien de ma vie*) to gif you lang and blessit lyfe, and “ to me your gude favour as the onlie gude that “ I desire, and to the quhilk I pretend.” The sentiment is also the same in both ; to assure herself of him, in the sonnet, or to gain his good favour in the letter, is her only desire, *tant seulement je cherche*, or the only good to which she pretends.

Car e'est *le seul desir de vostre cher amie*,
 De vous servir et loyaument aymer;
 Et tous malheurs moins que riens estimer,
 Et vostre *volonté de la mien suivre*.

“ Since that quhilk *pleasis you* is acceptable to me,
 “ and my thoughts are sa willingly *subduit unto*

“ yours, that all that commeth of you, procedis of
 “ sic causis as I desire myself.”

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V.

Sans aymer rien que vous, *soulz la subjection*
 De qui ie veux, *sans nulle fiction*,
 Vivre et mourir, et a ce i' obtempere.

“ The disdain that I cannot be in outward effect
 “ yours, as I am without feintness in hart and
 “ sprite, and of gude reason, for to be bestowit
 “ worthily *under your regiment.*” In these passages
 the sonnet still occupied her mind, and produced
 a repetition of the same sentiments and phrases as
 in the letter.

8. But the last sonnet may enable us to determine the date with precision. Eleventh sonnet.

Mon cœur, mon sang, mon ame, et mon soudy,
 Las! vous m'avez promis qu'aurons ce plaisir
 De deviser avecque vous à loysir,
 Toute la nuict, ou ie languis icy,
 Ayant la cœur d'extreme paour transy,
 Pour voir absent le but de mon desir.

In her last letter she accuses Bothwell *per apostrophe* ; “ nouther will I accuse you of your little remembrance, and least of all of your promise broken ;” which was certainly different from the promise mentioned in her letter on Monday, that he would resolve all. But the promise broken is explained in the sonnet, that *toute la nuict que ie languis icy*, the whole night that she languished at

Precise date of the sonnets ascertained.

CHAP.
V.

Linlithgow, he had promised to pass with her, *pour* *deviser à loisir*, in familiar conversation; instead of which he had sent Ormiston with a cold apology; “the coldness of his writing,” of which she complained²¹. From Monday night, when her agitation subsided, or Tuesday morning, when her letters from Stirling were written, till Wednesday night, while her mind was unoccupied

²¹ From this and the subsequent explanation in the sonnets, of the promise broken, compared with a fact preserved by Buchanan in his History, it appears that Bothwell had promised to meet and intercept her on Wednesday; but that she was seized with a sudden illness, which obliged her to stop at a small hut on her return from Stirling, and on her recovery she reached Linlithgow that night. “Repentino dolore cruciata in domunculam pauperculam concessit, ad quatuor ferme millia passum a Sterlino, remittente se deinde dolore, ad iter reversa, Limnuchum ea nocte venit. Inde ad Bothuelium scripsit, per Paridem, quid de raptu fieri vellet:” Hist. 356. I conclude therefore that Bothwell, who had advanced from Edinburgh on Wednesday, finding that she did not come forward, turned aside to the laird of Hatton’s, and sent Ormiston forward with a message, to which the queen’s answer was returned by Paris. As the time and place were not precisely fixed, her impatience would expect him each moment to meet her beyond Linlithgow, while his indifference would induce him to wait for her as near to Edinburgh as possible. But it is observable, that Buchanan in his History, corrects, or avoids the error in the Diary, that she sent Huntley to Bothwell next morning; as he discovered from subsequent information, that she wrote and sent a letter from Linlithgow, not on her former journey, but by Paris that night.

with other objects, there was time sufficient for the composition of such extemporary sonnets ; the last of which seems to have been just finished, on receiving Bothwell's letter at Linlithgow.

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V.

Toute la nuict ou ie languis icy,
Ayant le cœur d'extreme paour transy ;
Pour *voir absent* le but de mon desir,
Crainte d'oublier un coup me vient à saisir ;
Et l' autre fois ie crains que rendurcie
Soit contre moy *vostre amiable cœur*,
Par quelque dit d'un meschant rapporteur
Un autre fois *ie crains* quelque aventure,
Qui par chemin detourne mon amant,
Par un fascheux et *nouveau accident* ;
Dieu detourne toute malheureux accident.

In these verses the initial sentence of her last letter is easily recognized : “ Monsieur si l'ennuy “ de *vostre absence*, celuy de *vostre oubly*, la *craincte* “ du danger tant prouve d'un chacun a *vostre* tant “ ayme personne ;” in which the greater part of the sonnet is comprised. Before she receives his message, her heart is chilled with extreme terror at his absence, and agitated alternately by the fear of his forgetfulness, the apprehension that his amiable heart might be hardened against her by some malicious report, and the danger, lest some new accident, like the wound alluded to twice, should occur on the road. On receiving his letter, her terror at his absence is converted into “ l'ennuy

CHAP. V. "de vostre absense, celuy de vostre oubly;" the *croint d'oublier*, and *vostre amiable cœur*; into "la " crainte du danger à vostre tant aymee personne;" and her fear of some new accident on the road, into the indiscriminate danger *d'un chacun*, from the unknown authors of the challenge and placards. That her apprehensions were serious, there is no reason to believe. The language of poetry was transferred to the letter, which, to convince him of her sincerity, was written in the same strain of sentimental conceit. But the sonnets were reserved for their meeting, and the concluding stanza of six lines, was probably added after the letter was written.

Conclusion
of the
sonnets.

Ne vous voyant selon qu 'avez promis,
J'ay mis la main au papier pour escrire,
D'un different que ie voulu transcrire :
Je ne scay pas quel sera vostre avis;
Mais ie scay bien qui mieux aymer scaura;
Vous diriez bien que plus y gaignera.

Not seeing him according as he promised, she put her hand to the paper to write of a difference, which (to complete the rhyme rather than the sense) she was inclined to transcribe. These lines were apparently added on receiving his letter at Linlithgow, or afterwards, when the sonnets were presented to Bothwell, in order to explain the occasion on which they were composed. But the

preceding investigation obviates every objection to their chronology or contents; and the date assigned to the sonnets, in the interval between her letters from Stirling and Linlithgow, is confirmed by their coincidence with her last letter to Bothwell, on the eve of the seizure.

CHAP.
V.

CHAP. VI.

Contracts of Marriage.

CHAP.
VI.
First
contract.

1. THE contracts of marriage are to be examined next¹. The first is the short contract in French, of which a copy found by Welwood in the Cotton Library, and mistaken for the original, was pronounced a transcript by Fraser and Mathew Crawford; but David Crawford, the noted forger of the Memoirs, availed himself of Welwood's mistake, to represent it as a gross, and obvious forgery of Mary's hand writing². His assertion was implicitly received by

¹ See Appendix, No. XXIII.

² M. Crawford's MS. Col. Adv. Lib. W. 2, 22. "This paper is pasted on the back of the preceeding," (the Reply and True Declaration, &c.) "Dr. Welwood told me, before I saw it, that it was an original; that before it was put into this book (Caligula, C. 1.) he found it single in a corner of Cotton-house, that he borrowed it from Sir John Cotton, (he who gave the library to the public) that he brought it and shewed it to the late queen Mary, (William's wife) and that the whole court owned it to be an original. As for myself, I am persuaded, it is a forgery, and the grossest I ever saw; the subscription does not at all resemble that of the queen of Scots. I have seen some hundreds of her letters, all written and signed with her own hand, but never found the M in

her apologists, and transmitted, from Ruddiman and Goodall, to Stuart and Whitaker³, no one of whom had ever examined the pretended forgery; from the inspection of which I am entitled to pronounce, that it was not meant *when written*, to pass for an original. It begins like a copy, at the top of the page, without the least appearance or form of an intended original; and is written in the common secretary hand of the age, which Crawford mistook for a chancery hand. From the ink and form of the letters, it appears to be very nearly, if not exactly, in the same hand with other papers given in by the regent; *e. g.* the *eik*, and particularly the Declaration that the letters were authentick⁴; from which it differs only in some slight constraint, occasioned by the embarrassment which a foreign language created to the clerk. From the same cause, two or three words

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Marie longer than the *a*, or the *r* than the *i* or the *e*, all the letters of her name are constantly of a size. And as for the paper itself, nobody pretends it is done by her hand. It is what they call in England, chancery hand. However, having no date, it is of no value, and of small advantage to her enemies, because it is presumable (allowing the paper genuine, which it is not) that it was written the very night before the marriage." D. Crawford of Drumsoy's Col. MS. v. iii. Adv. Lib.

³ Ruddiman's Notes on Buchanan, i. 462. Goodall, i. 126. Stuart's Hist. i. 397. Whitaker, i. 430.

⁴ Cotton lib. Caligula, C. 1. f. 230. 260. Anderson, ii. 259. iv. 119.

CHAP. (feu mary) are dashed out as indistinct or crowded together, and written anew in the course of the line; and the whole contract is evidently in the writer's usual hand, without the least attempt at imitation or disguise. But Mary's *Romain* hand, as it was then denominated, was formed in imitation of Italic print, which the secretary hand, now employed in engrossing, was never meant to resemble; whereas, the French contract was written professedly in Mary's hand, which it is not even pretended that the present copy endeavours to imitate. The contract itself, therefore, contains no marks whatever of imitation or forgery: nor does it appear that the original produced at Westminster, was signed by the queen⁵. But the

⁵ In the letter from the English commissioners at York, it is described as “a contract of the queen's own hand, of the marriage to be had between her and Bothwell, bearing no date, and which had not *verba de presenti*, as the other had;” in the minutes of the English privy council, Dec. 14th, as “a promise of marriage in the name of the said queen, with the said earl of Bothwell;” (Anderson, iv. 61. 173.) in Murray's instructions to the commendator of Dumfermline, as “a little contract or obligation written by the said queen's awin hand, promising to marry the said Bothwell;” (Goodall, i. 87.) and in the memorandum prefixed to the letters in Buchanan's Detection as a “writyng written in Romaine hand in French, to be avowit to be writte by the sayd queene of Scottes hir self, beyng a promise of marriage to the sayd Bothwell.” This part of the memorandum was probably taken from the minutes of the 7th of December, when the contract was produced, which were lost when transmitted by Wilson to the

signature, to which the charge of forgery is confined, has been superinduced apparently in a different hand and ink, after the contract had been written; without the least resemblance or imitation of Mary's real signature, which was framed in the slender Italian hand, without capitals, and in which the letters *marie R* are of the same size. The signature in question is in a strong secretary hand, the reverse of the Italian, the letters M and R are prolonged, as much as the others are reduced, in size; and there are certain erasures of strokes or of dashes around the name, which indicate, perhaps, a more recent attempt to make it pass for a forged original; but on the supposition of forgery, it must have been fabricated without a prototype, by one who had not before him a single signature of Mary's to counterfeit at the time. On this subject every reader may determine for himself, from the *fac similes* in the annexed plate, whether the signature subjoined to the contract, exhibits an obvious, and intentional, imitation of Mary's sign manual; or whether the contract is not a mere copy, engrossed by a clerk, to which her name is added, but without any intention to counterfeit her hand. The fact is, that the original went back to Scotland,

press; but in these passages, there is no intimation that it was subscribed by the queen, although the second contract is uniformly described, in the same passages, as signed by her hand.

CHAP. VI. while a copy, most probably the present, was left by Murray in Cecil's hands⁶; and as the contracts or obligations of marriage, are specified in Morton's subsequent receipt for the box and letters; so the two contracts, in addition to eight letters and eleven sonnets, are precisely necessary to complete the number of twenty-one pieces contained in the casket⁷.

Not a
forgery.

The remaining objections are altogether frivolous; that the intended date was posterior to the murder, during her confinement, or (as it was written, *sans contrainte*) her constraint at Dunbar; and that the contract was penned by Morton, the chancellor, as its legal style and form coincide with the chancery hand in which it was forged⁸. The memorandum prefixed to the letters, observes, on the first contract, “quhilk writying “*beying without date*, and though some words “*therein seme to the contrary*, yet is upon credible “*grounds supposed to have been made and writ-* “*ten by her befoir the death of her husband.*” The *words to the contrary* are, “*et puisque dieu a* “*pris mon feu mary Henry Stuart dit Darnley, et* “*par cemoyen je suis libre;*” from which Whitaker concludes that the contract was originally calculated for a period posterior to the murder. Had the contract been forged, the author of the memorandum would have also forged a precise

⁶ Goodall, ii. 88. ⁷ Id. 91. Anderson, ii. 259.

⁸ Whitaker, iii. 154.

date prior to the murder, instead of leaving the date to be *supposed upon credible grounds*. But as every allusion to her late husband is carefully avoided in the letters and sonnets subsequent to the murder, the omission of the date, after “God “had taken her late husband, *by which means she “was free to marry*,” is itself the presumption required by Whitaker, that the contract was written in the contemplation of his death. In a promise of marriage, written with her own hand, as an assurance to Bothwell during her husband’s life, instead of taking him directly for a husband, as in the second contract, *per verba de presenti*; she promises indirectly, “*de bonne foy, de n’avoir j’amas aultre espoux et mary que luy, et de le prendre pour tel, toute et quante fois qu’il m’en requira*:” instead of engaging to celebrate the marriage on her husband’s death, the reverse is naturally introduced; “*et puisque dieu a pris mon feu mary Henry Stuart dit Darnley, et que par ce moyien je suis libre, n’estant soubs obeissance de pere ni de mere, des mayntenant je proteste, que luy estant en la mesne liberte, je seray preste et d’accomplir les ceremonys require au marriage*;” but at the conclusion of the contract, “*et la presente signee de ma mayne, escrit ce*,” she stopped and hesitated to annex the date, apparently because her *late husband* was still alive. If “*promittons fidellement, et de bonne foy, et sans constrainte, n’estant soutz*

CHAP. "obeissance de pere ni de mere," are legal phrases
 VL or words of style, it is observable that as one who
 writes his own will, transcribes the form of an-
 other testament, so Mary, in a promise of marriage
 under her own hand, would adopt the legal style
 and form of some other contract with which she
 was supplied. Accordingly, "la presente, *signee*
 " *de ma mayne*," is a proof that Mary transcribed
 the forms of another obligation, not autographical,
 but signed by a different person from the writer;
 and as there is no intimation, at York or West-
 minster, that the short contract was signed as well
 as written by the queen, the subscription in the
 Cotton copy, was added, perhaps, at a later period,
 in consequence of the clause *signee de ma maine*, on
 the supposition that the original had been also
 signed. In this view the first contract is an un-
 finished draught of an obligation to Bothwell,
 during her husband's life⁹; but the conclusion that
 it was forged by Morton the chancellor, because it
 is written in a chancery character, betrays an utter

⁹ Whitaker's last objection is, that a promise of marriage by Mary, in the language of civilians an unilateral contract, imposed no reciprocal obligation upon Bothwell. Whit. iii. 183. He forgets that Mary might receive a counter-obligation, or promise, from Bothwell, which was precisely Buchanan's opinion in his History; " primus (contractus) ante par-
 ricidium, ipsius Reginæ manu scriptus, quo velut *syngrapha*,
 spondet, ei ubi primum sui juris fore, se nupturam;" Bucha-
 nan, lib. xix. 374.

ignorance of ancient hand writings. The chancery hands are as different from Mary's, as black letter from italics; and the Cotton copy, in the ordinary or secretary hand of the age, is no more a counterfeit or imitation of her's, than the Roman character is of italic print.

CHAP.
VI

2. The second contract written by Huntley the ^{Second con} _{tract.} chancellor, was signed at Seton, April 5th, by the queen and Bothwell, who take each other for husband and wife, and engage reciprocally to complete the marriage, " how sone the process of " divorce already begunne and intentit betwix " Bothwell and his pretensisit spous, beis endit by " the order of law." The date is confirmed by a privy council held at Seton that same day¹⁰; and as it actually preceded the process of divorce, this apparent contradiction is explained in Murray's diary, that Huntley " for his restoring againe the " forfaltour¹¹ had purchased ane procuratory, sub-

¹⁰ Keith, 374.

¹¹ Three days afterwards, April 8th, Huntley procured from Murray, the day before his departure from Scotland, the bond at Whitingham, " that whereas Huntley was to be restored to all things belonging to his progenitors in consideration of his warranting certain transactions of Murray's respecting the forfeited lands, the latter became bound to set forward the reduction of the forfeiture to the uttermost of his power," in other words not to oppose it in parliament by himself or his friends. See Appendix, No. VII. Huntley's restitution had been determined therefore on the 5th, and the bond was evidently exacted from Murray, before he was per-

CHAP. "scryevit with his sister's hand," to prosecute
VI. the divorce. On the supposition of forgery, Murray or Morton would have stated the action, as intended to be instituted, not as actually "begun "and intentit;" but in a marriage contract framed expressly with a view to the divorce, Huntley, on obtaining his sister's procuratory to commence the action, would state it by anticipation as actually commenced¹². His *pretensis* spouse, explains the catholick ideas of a marriage within the prohibited degrees of blood. Bothwell's marriage with his cousin had been contracted, in order to be ratified afterwards by a papal dispensation, without which their union, in the queen's opinion, was an unlawful, if not a criminal intercourse, prohibited by the canons as void and null. Huntley himself, a sincere catholick, must have considered it as illegal, and if there were no chance then to procure a dispensation, would assent the more readily for his own restitution, to Bothwell's divorce from his pretended spouse. The queen considered lady Bothwell as such; but her adversaries regarded her own union with

mitted to quit the kingdom. In consequence of his consent to Huntley's restitution, he seems to have obtained the queen's promise to confirm his right to the earldom of Murray. See Robertson, ii. 327.

¹² Very possibly a blank summons, containing little else than the pursuer's name, was already *raised*, to be *libelled*, or the grounds of action inserted, when it was produced in court. See Balfour's *Practices*.

Bothwell as a *pretensis* marriage, or adulterous connexion with another wife's husband¹², and the language natural to Mary, or to her chancellor, who studied to express her ideas, required a refinement in forgery, of which her opponents themselves were unconscious.

3. The two first were private contracts, unfit for public inspection, but before the celebration of the marriage, a third ostensible contract was necessary, in which much additional matter remained to be introduced. The bond of the nobility, recommending Bothwell as a husband to the queen; the queen's approbation and choice of a husband; Bothwell's new title of Duke of Orkney; the grant and tenure by which he held those islands, had all occurred since the second contract of marriage, the preamble of which was, that "Hir majestie now
 " destitute of ane husband, liveryng solitary in the
 " staite of widoheid, in the quhilk she maist wil-
 " lingly wald continue, gif the weill of her relme
 " and subjectis wald permit it; but considering
 " the inconveniences may follow, and the neces-
 " site that hir majestie be couplit with ane hus-
 " band, and seeing quhat incommoditie may cum
 " of ane forein prince, she hes thought rather bet-
 " ter to yield to ane of her awin subjectis, amangis
 " quhome she findis none mair able nor endewit
 " with better qualities than Bothwell." But a

Third
contract.

¹² Keith, 418. See Appendix, No. XL.

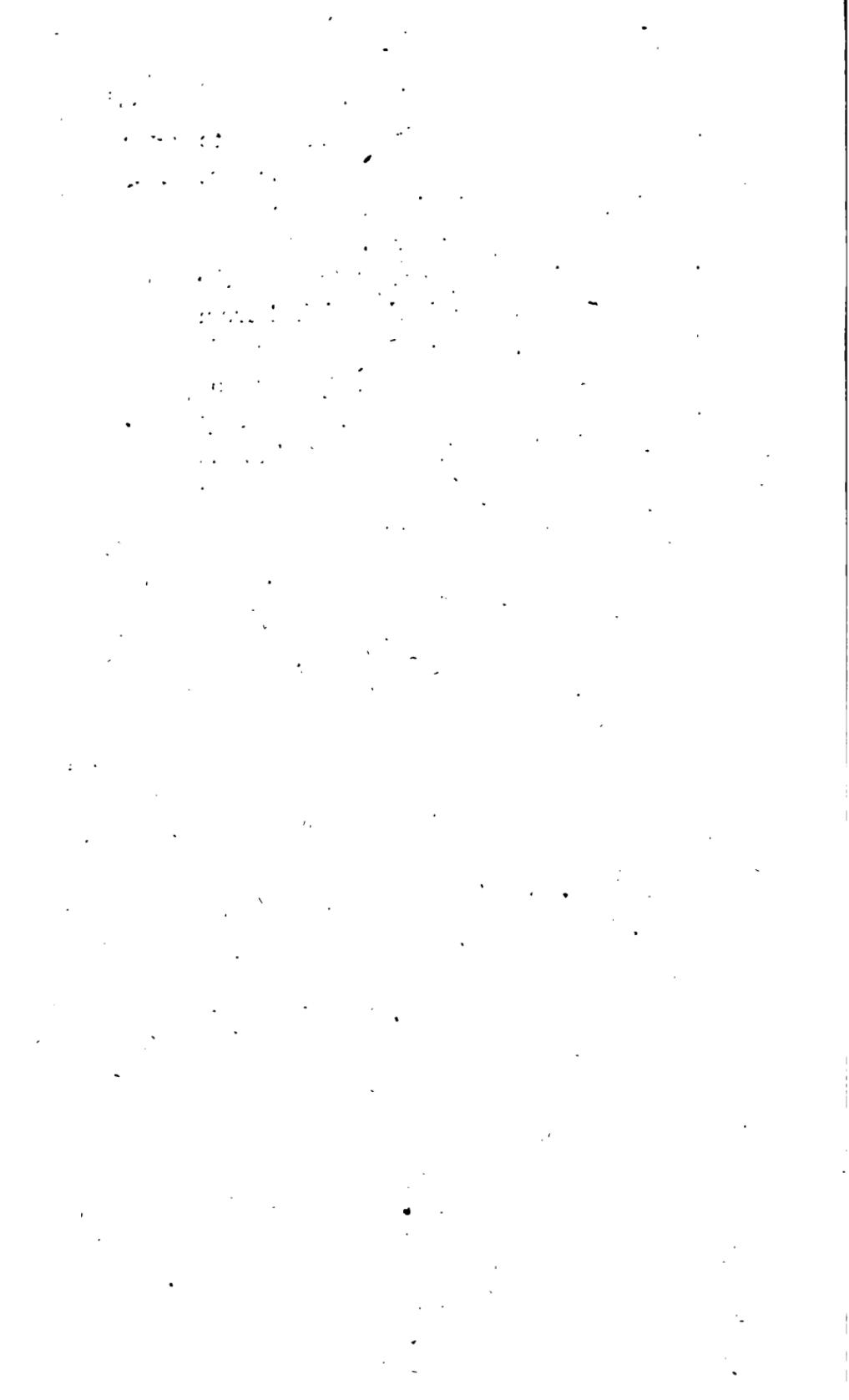
CHAP. VI. material alteration was now requisite in consequence of the bond of the nobility, as she married Bothwell ostensibly at their earnest recommendation and request. In the third contract therefore, her majesty "being destitute of ane
 " husband, levand solitarie, in the state of widowheit, and yet young and of flurishing aige, apt
 " and able to procreate ma childeren, hes bene
 " pressit and humbly requirit to yield into sum
 " mariage; and mature deliberation being had
 " towert the personnage, the maist part of her
 " nobility thought better that she suld accept ane
 " of hir awin borne subjectis nor ony foreigne
 " prince; and they namand the said noble prince,
 " now Duke of Orkney, her majestie hes gra
 " ciouslie accordit thairunto." These new pretexts for contracting the marriage, the princely rank to which he was raised, and the feudal tenure on which he held the Orkneys, required not only a different date, but a contract altogether different from the former; and if that second contract were the *marriage* mentioned in her last letter, as received on the eve of her seizure, the appearance of it in the casket, and in Bothwell's possession, may be easily explained¹³. The private contract, "though retained in her bosom till
 " the marriage of their bodies should be made in
 " public," must have been placed in Huntley's hands in order to frame another, before the mar-

¹³ Whitaker, iii. 186.

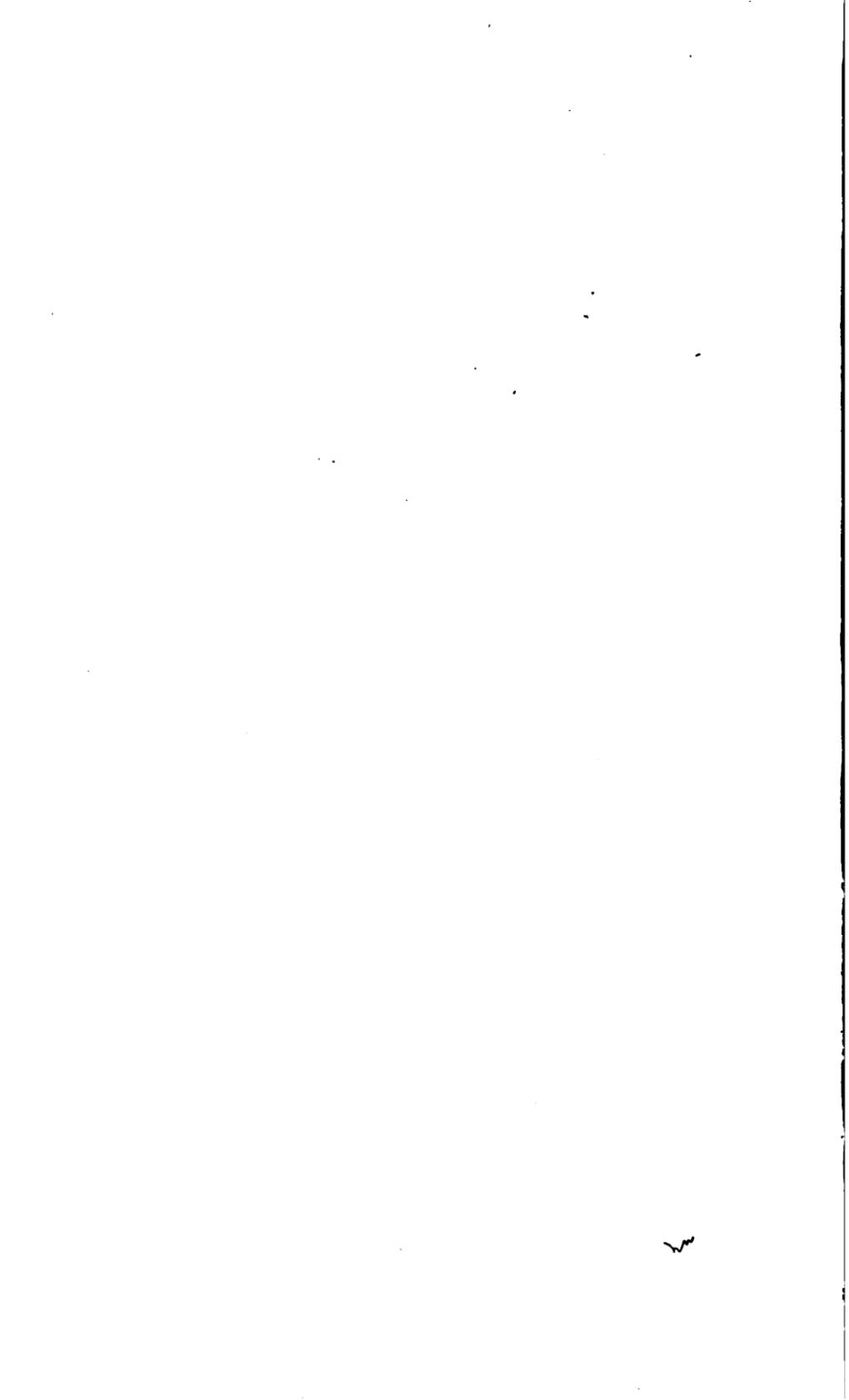
riage; and accordingly, when it was restored to CHAP.
VI. Bothwell with the public contract, the one was found in his private repositories, while the other was engrossed in the public records. But the private, instead of being a copy, or abstract from the public contract¹⁴, is evidently the original from which the latter was framed; and it is observable that the two first contracts written by Mary, or under her inspection, are far superior in delicacy to the last; a circumstance in vain imputed to the consummate art of the forgers, who, in fact, were more desirous to aggravate than to extenuate the grossness of her guilt.

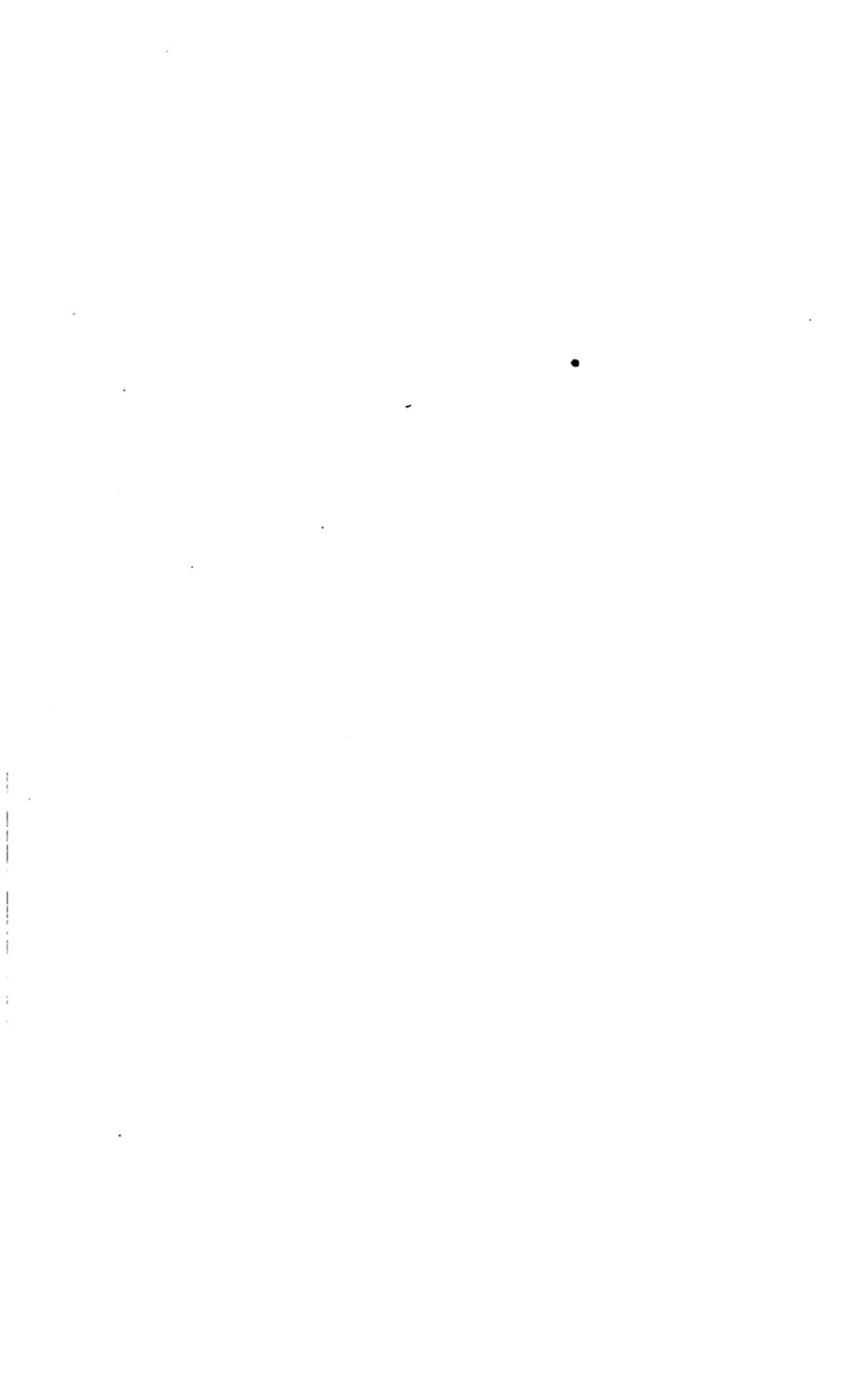
¹⁴ Whitaker is surprised that a *secret* contract, not intended for the public eye, should be written by the chancellor, and seems disappointed that the supposed forger should omit the bond of the nobility to Bothwell, and every fact posterior to the date of the second contract. *Id.* 187.

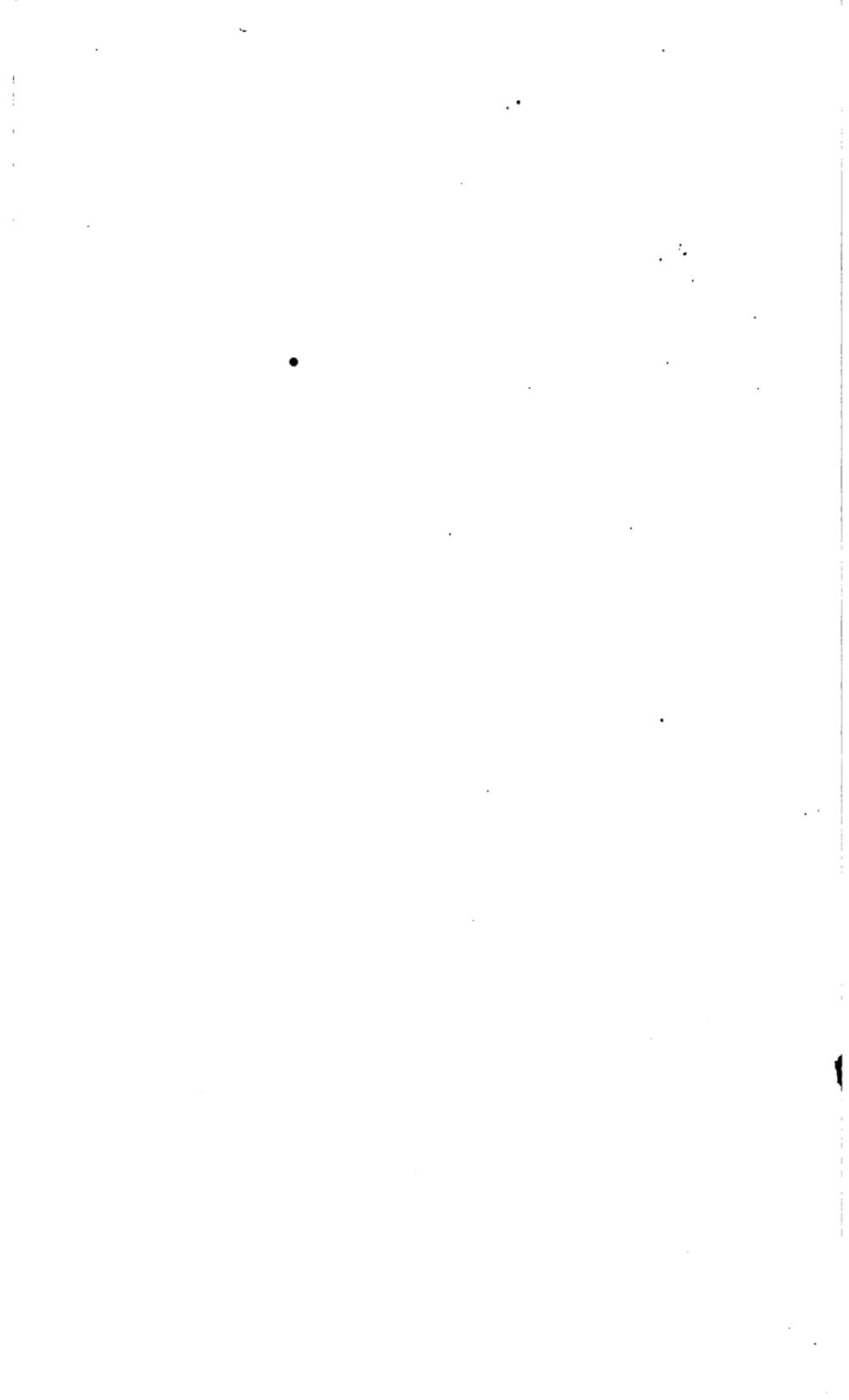
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